

4-1-2007

CURRENT CONTROVERSIES, Vol. I, Spring 2007

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CURRENT CONTROVERSIES:

Volume One , Spring 2007

IN THE SHADOWS OF IMMIGRATION

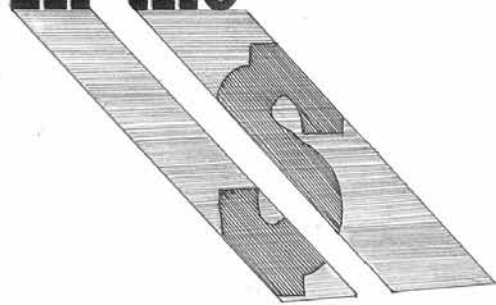


Mohammad Huweih , Editor-in-Chief

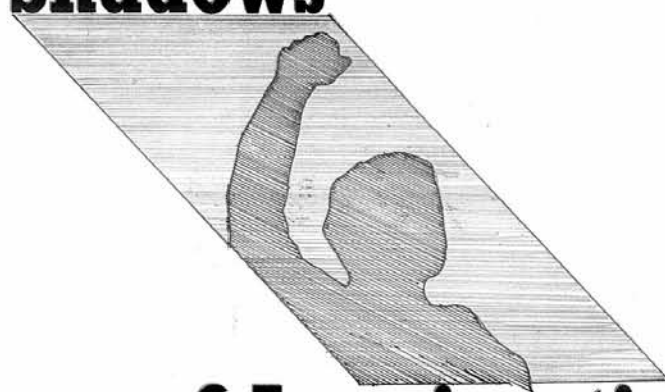
The first in a Series of journals written by students in

Political Science 100W

In the



Shadows



of Immigration



Foreword

The issue of immigration is very controversial, and with that controversy there are many opinions. Clicking through television, you can find shows that discuss immigration almost every day. On CNN, Lou Dobbs, on CNN Headline News, Glenn Beck, among others, drill the issue to their viewers constantly. Going to the radio, many others have brought up the issue. Rush Limbaugh, one of the most popular radio hosts, among many others, has discussed the issue on the radio. According to the Associated Press, immigration in the month of June, 2007 has exceeded the War in Iraq as the most talked about issue. The talk radio and television talk shows have affected the public's perspective on immigration. In fact, the politicians are also slowly changing their minds, and even taking suggestions made by the talk radio hosts.

In the *Current Controversies* series, the issue at hand is immigration. With so much talk about the issue, it is very difficult to know what is fact and what is fiction regarding immigration. We are in *The Shadows of Immigration*, and in the shadows of a debate about an issue that will shape the coming decades of the United States. The United States is at a crossroads. With illegal immigration, border problems, the threat of terrorism, drug trafficking, the United States will shape its future based on the resolution on the table or other upcoming resolutions.

This journal is here to inform the reader what is fact and what is not regarding immigration. The goal, after reading the journal, is to be an informed and educated

resident of the United States. When a person brings up immigration, the reader would be able to know whether the person knows what he or she is talking about.

The journal is broken up into different sections that touch on different aspects of immigration. Section one, edited by Mohammad Huweih, deals with the history and policy of immigration, opening up the subject to the reader. It covers the reason for regulations, the history of it, and closes off with an article discussing the United States approach to ethnicity in immigration.

Section two is split into six sub sections. Section two covers illegal immigration. The sub sections are

- sources of illegal immigration, edited by Eric Breitenfield
- economic issues, edited by Steven Neese
- state costs, edited by Eric Breitenfield
- exploitation, edited by Gabriela Hill
- social issues, edited by Gabriela Hill
- security, edited by Steven Neese.

The last article closes off sub section six, with security and the issue of terrorism.

Section three covers proposed legislation in the year 2007, written by Vanessa De Los Reyes-Lopez. Section four concludes the journal, written by Steven Neese.

Mohammad Huweih

Editor in chief

Current Controversies:

In the Shadows of Immigration

Volume One

2007

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History and Policy of Immigration

Reasons for Immigration Regulation

By Mohammad Huweih

I. Abstract

Immigration can best be described in waves. War and Depression ends those waves. The three waves were from 1820 to 1860, 1880 to 1914, and 1965 to the present. During these three waves, legislation in 1921, 1924, 1965, and 1986 have shaped the trend of immigration. Since the immigration reforms of 1965, immigration has increased greatly and caused new debates to the immigration issue. The Act of 1986 opened the issue to illegal immigration, predominantly Mexico. The debate and reasons for immigration today is because of tradition, population control, and social strains.

II. Thesis

Employment and the chances that unskilled immigrants would take unskilled native work, overpopulation and the environmental degradation that occurs, social strife because of lack of assimilation, and how the actors (media and state) deal with the issue of immigration has affected US immigration history since 1820.

III. Background

A. Introduction

Before the issue of immigration can be discussed, the term has to be defined. The act of immigration is when a person goes from one territory of one government, and enters another territory of another government (Brown, 1999, p. xi). Settlers that moved from Europe to the Americas were not immigrants because the American territory was under European control. Another definition of immigrants, as defined by the United States of America (USA), is of those that plan to reside in the US permanently that come

from another country that is not under US control. People that come here as tourists, temporary workers, or students are not considered immigrants; rather they would be nonimmigrant and are not part of the statistics of immigration.

Immigration can best be described in waves. There are three waves of immigration in US history. Each wave is characterized by a high number of immigrants generally from a handful of countries. Between the waves there are usually wars, depression, and a change in public perception that requires Congress to limit or at times stop immigration (Brown, 1999, p. xvii). The rationale for regulating or not regulating immigration changes depending on the events at that time. Wars and depression mark the end of a wave, and the end of the wars and depression sometimes mark the beginning of a new wave.

The first wave of immigrants was from 1820 to 1860. It ended right before the Civil War and the depression that followed it. The second wave was from 1880 to 1914. It ended right before the First World War. The Great Depression, the Second World War, and the beginning of the Cold War all were factors for the reason the third wave took very long to start. The third wave began after new legislation was passed in 1965. No large-scale war or depression has occurred since then.

B. The First and Second Wave

The first wave started when immigration began to be measured in 1820 (Brown, 1999, p. xvii). Some speculate that before 1820, immigration was limited because of the War of 1812. The end of the war might have been a factor in the surge in immigration in the 1820s.

This first wave was characterized by an ever expanding frontier, a fairly stable nation politically, and the need for labor. The annual immigration rate continued to increase, until it dropped and stabilized after the wave ended (Edmonston & Smith, 1997, p. 32). The end of the wave occurred in 1860, and was the result of the political unrest that brought about the Civil War in 1861. The war was followed by a depression in the economy. Depressions are characterized by a high supply of labor and a low demand for that labor. When immigrants come into the US during a depression, they could not find a job and would not benefit from the move.

The second wave began in 1880. The frontier was still expanding, and the depression had ended, while conditions in Europe were politically unstable. Mostly Italians, Russians, and Eastern Europeans came into the country at this period (Brown, 1999, p. xviii). This period showed record numbers of immigrants. The level of immigration per 1000 residents reached over 10 in the 1910s. (Edmonston & Smith, 1997, p. 33). These rates of immigration numbers are far higher than recent years.

B. Restriction By Race

Even during the second wave there was a movement to limit immigration from some countries. The first exclusionary legislation was passed against the Chinese after an increase in population in the West because of the need for labor. With the increase, there was turmoil between newer immigrants and older immigrants. The 1882 Chinese Exclusion Act was passed to stem the flow of Chinese immigration (Brown, 1999, p. 45).

Another act that would have excluded a race was an amendment that was added to an immigration bill in 1915. The amendment would have barred all African or African origin people from immigrating into the US, whether they were from Africa directly, or

from other nations in the Western Hemisphere. It was defeated with the help of Booker T. Washington and W.E.B. Dubois (Brown, 1999, p. 61).

C. The End of the Second Wave

World War One marked the end of the second wave. After the war, immigration increased, even with the shortage in jobs and housing. As a result of the Acts of 1921 and 1924, immigration was greatly restricted. These acts set the tone of the period, until the reform in 1965 changed the face of immigration. The Act of 1924 restricted immigration to two percent of the foreign born population by national origin. Asians were never allowed to become citizens and were not allowed to immigrate. People from nations in the Western Hemisphere were excluded from the quota. This gave countries that were not provided a quota an opportunity to immigrate to Mexico, and then enter the US from there (Edmonston & Smith, 1997, p. 25). Although there was no quota for the Western Hemisphere, there were not that many people immigrating from there until 1965, when the quota system was changed.

Following the war, after ten years of prosperity, there was the Great Depression in 1929. Even those immigrants, who came into the country, had a hard time finding a job. When the Second World War began, the US made it very hard for countries to even meet their quotas. After the war, there was an attempt to pass legislation that would change immigration, but President Truman was unable to get reform (Edmonston & Smith, 1997, p. 27). People feared for their jobs, and Congress supported the people by keeping the laws of the 1920s on the books (Edmonston & Smith, 1997, p. 26).

Even though the second wave ended and the third wave had not yet begun, during the 1940s there was a demand for more farm labor and the US opened its borders for

Mexico. The program was called Braceros. However, when the political climate changed, farmers opposed the program later. They said the Bracero Program “adversely affected wages, working conditions, and job opportunity of resident farmer workers” (Edmonston & Smith, 1997, p. 27). The result was the end of the program in 1964.

D. The Third Wave

Reform was finally achieved with the passage of the landmark Immigration and Nationality Act Amendment of 1965. The third wave of immigration began with the end of the Act of 1924 and the new face of immigration in 1965. “It removed quotas and placed all countries on numerical equals of 20,000.” (Edmonston & Smith, 1997, p. 27). It also allowed immigrants with immediate family members to be exempt from the quota system. This exemption was the major factor in the tremendous increase in immigration after 1965. The new law put the Western Hemisphere into the quota system, which helped make immigration from South and Central America increase. Asian nations were allowed to be part of the quota system, as well. The end of this wave has not occurred yet, making this the longest wave of the three, and the wave that is characterized by the largest number of immigrants.

E. Summary

People have come into the US for many different reasons, and from different sides of the world. The early years of immigration was characterized by mostly European immigrants from the northern areas such as Germany, Scandinavia, The Netherlands, and the United Kingdom, including Ireland. The second wave saw many from Eastern Europe immigrating to the US. The third wave has seen mostly people from the Western

Hemisphere and Asia. The 1920s saw more prosperous immigrants coming into the US, and after the 1960s saw less skilled workers (Edmonston & Smith, 1997, p. 28).

The overall numbers of immigrants has been higher in the third wave, although the rate per thousand has dropped. In the 1960s the number was at 200,000 new immigrants a year, or a rate of about 2 per 1000 residents. By 1995 the number was at almost a million new residents a years, or a rate of 5 per thousand.

IV. Legislative Acts

A. Exclusion of the 1920s

Reasons for immigration regulation have been different over the years. One of the biggest reasons for regulation until 1965 was race. The early immigrants were Irish, Dutch, German, and English. Other groups tried to immigrate but were eventually stopped because of race issues. Old immigrants wanted to limit the amount of new immigrants coming into the US. The Chinese Exclusion Act was passed as a result of this activism in 1882. This law excluded people “on the basis of ethnicity, race, or national origin” (Brown, 1999, p. 100).

The next pieces of legislation passed in 1921 and 1924, was to stop the flow of Asians from coming into the country. The Immigration Act of 1921 set a quota system of 3% of the foreign born of that nationality based on the 1910 census. The Immigration Act of 1924 lowered the quota to 2% of the foreign born population based on the 1890 census (Edmonston & Smith, 1997, 26). Before these acts were passed, immigrants from Asia were unable to become naturalized citizens. With these two acts, Asians were not allowed to immigrate at all. They were excluded from the quota system, with the exception of the Filipinos.

Another act in 1924 excluded Japanese from coming into the US, with the passing of the Japanese Exclusion Act (Edmonston & Smith, 1997, 24). It was similar to the Chinese Exclusion Act, it being an act specific to a nationality. The concern was regarding Asians, specifically Chinese immigrants and later Japanese immigrants (Edmonston & Smith, 1997, 23).

B. End of Exclusion in the 1960's

The Immigration and Nationality Act Amendment of 1965 ended the quota system and opened up immigration to all races equally, including Asia. The overall percentage of immigrants from Asia was at 0% in 1850 and 3% in 1950. With no laws against Asians immigrating into the country, their numbers increased to 25% by the 1990s. The act also saw the decrease in European and Canadian immigrants from 89% in the 1950s to 26% in the 1990s. There was an increase in the Caribbean and Latin American immigration from 6% in the 1950s to 43% in the 1990s (Edmonston & Smith, 1997, p. 37). The top countries in the 1920s to 1960s were never Asian and only one, Mexico, was from Latin America and the Caribbean nations. From the 1980s to 2005, almost 50% of immigrants either came from Latin Countries, the Caribbean, or Asia (Wasem, 2006, p. 9).

C. The 1980s and 1990s

In 1986, after twenty-one years without an immigration reform bill, Ronald Reagan signed into law the Immigration Reform and Control Act of 1986. This act refocused the immigration debate to the southern border of the US. It focused mainly on immigration from Mexico by increasing border control, giving amnesty to the illegal immigrants that are predominantly coming from the Mexican and US border, and

penalizing employers that hire illegal immigrants. In 1996, the Illegal Immigration Act “introduced a pilot telephone verification program for employer to authenticate the legal immigration status of potential workers” (Edmonston & Smith, 1997, p. 25). It also further increased border control.

D. Illegal Immigration

The picture was no longer racial, but can be seen as a need to control what comes into the country. Since 1965, immigration numbers have increased at levels never seen in US history. The reform in 1965 only opened up the doors for immigration, and the act in 1986 gave amnesty to immigrants that came in illegally. Today’s debate is regarding illegal immigration and how to stop it. It is no longer a debate on immigration in general it seems, but a desire to restrict those who come here by breaking the laws of the land. With Mexico bringing the most immigrants, about a fifth of all immigrants being Mexican since the 1980s, the issue has become one of controlling illegal immigration between US and Mexico.

The number of Mexican immigrants coming into the US was 161,445 in 2005. The second highest was India with 84,681 and the third was China with 69,967 (Wasem, 2006, p. 11).

The 109th Congress attempted to address the issue of immigration, but no new legislation has been past as a result of disagreement between the House and the Senate. A re-attempt has been set for the 110th Congress, with a new law being introduced.

V. Analysis

A. The Numbers

The tradition of immigration is very complex. Overall, the numbers have been fairly low when considering the amount of immigration per 1000 US resident. The number, however, is high when considering the quantity of people coming into the US. The amount of immigration in the 1930s through 1965 had been under a quarter million people a year. The number only started to increase greatly after 1965, with the number going up to 970,942 in 2005 (Wasem, 2006, p. 29).

B. Tradition

The political argument for immigration is the fact that it is part of the American tradition as a nation. This country is made from immigrants, they would argue. The argument is slightly off, when considering what an immigrant is. Before the formation of the US, settlers came from Britain, Spain, and France into what is today Mexico, Canada, and the US. Those territories were controlled by the three superpowers: Britain, Spain, and France. Immigration is defined as a move from one territory controlled by one power, to a new territory controlled by a different power. The original settlers and the founders of the US came from England to New England (USA), from Spain to New Spain (Mexico and West USA) and from France to New France (Canada).

The political argument is that our country is a nation of immigrants. There were many that came in to the US during the great waves of immigration, but those waves are not the same as the newest wave. Depending on how the statistics are seen, the US can be seen as continuing its tradition, or going against it. When looking at numbers, the immigration numbers today are far higher than any other year in the history of the US. The Federation for American Immigration Reform (FAIR), an immigration reform group, states that in the 1990s, the annual intake of immigrants was at 900,000, with a third

being illegal. They say this goes against tradition (Garling, 1997, p. 4). When immigration is looked at by the amount coming in per 1000 residents, then immigration is not going against tradition, but in fact is far less from the US tradition, contradicting FAIR's assessment. However, when looking at the number of immigrants coming in every year, FAIR's assessment is correct regarding tradition and that these numbers are going against it.

The tradition of the US saw many immigrants coming into the country, but compared to the past the rate of immigration is lower today per 1000 United States residents. In the past, immigration did not change the face of the US drastically. With less people per 1000, the opposite has occurred. The impact on the population has been high because of falling fertility rates of the resident population (Edmonston & Smith, 1997, p. 44). With fewer immigrants per 1000 residents, the foreign born population still increased from 10.4 % in 1950 to 19.8% in 1990.

C. Overpopulation and the Environment

A second point that is being debated regarding immigration is overpopulation and the environment. The more people there are in the US, the more the environment will be degraded according to FAIR, and many other immigration reform groups. FAIR was formed in 1979 to mark the entrance of environment into the immigration debate (Remiers, 1997, p. 43). As a result of the inaction of groups such as the Sierra Club in articulating a position against immigration, FAIR and other groups were formed to fill the void. Dr. John Tanton founded FAIR (Remiers 1997, p. 47). Other groups followed, such as Negative Population Growth (NPG), and Zero Population Growth, which became Population Connection in 2002.

NPG believes “immigration...has been a substantial cause of the negative environmental news” and will continue to hurt the environment until the population decreases (Remiers, 1997, p. 57). The environmental degradation and overcrowding of cities is seen as a problem created by over population and out of control immigration.

A counter point to this is seen by University of Maryland economist Julian Siman, which counters by saying “natural resources and the economy are not at risk from the environment. As population size and average income have increased in the United States, the supplies of natural resources and cleanliness of the environment have improved rather than deteriorated” (Remiers, 1997, p. 60). Siman believes that the environment, in fact, is not being degraded. Other groups that are environmental, such as the Sierra Club, are reluctant to take a position against immigration because the problem is not seen from immigrants particularly, but people in general.

D. Social Strains

Another reason for immigration regulation given by FAIR and other immigration reform groups has to do with the social structure of the US. Immigrants are overburdening the whole system, according to FAIR. “Overburdening the educational system, endangering public health, worsening our crime problems, squeezing out native minorities, increasing ethnic tension, widening the language gap”, is what too much immigration has done (Garling, 1997, p. 41). Having overcrowded schools and using what little resources the schools have to teach English as a Second Language, putting too much pressure on health care facilities, increasing crime as a result of the increase in population, and the ethnic gap that occurs as a result of immigration is detrimental to the social structure of the US is what FAIR believes.

E. Race and Religion

The reasons have moved away from the issue of race, and moved to the issue of over burdening the system. Immigration movements from the past would justify immigration reform by using racial rhetoric. It was the wrong race and the wrong religion, and assimilation of such people would be considered impossible. They would not believe that Jews and Catholics would be loyal to a liberal democratic country. They would think Jews would be Jews before they are American and Catholics would have loyalty to the Pope before they would have loyalty to the US. The racial and religious rhetoric is not used today by mainstream groups, but only by white nationalist groups (Remier, 1997, p. 109).

Donald Mann, from Negative Population Growth (NPG), discussed the issue of race when he said, “sometimes you feel like you’re not in your country. On the golf course, I dare say that sometimes 70 to 80 percent of the people there are Asians” (Remiers, 1997, p. 50). This view is not shared by many people in the public forum or when Congress is considering legislation. The view does seem to resonate with some Americans, when in the 1980s there was a large flow of immigration from Mexico, and in the 1990s there was a steady flow of Muslim immigrants.

The country is changing and the change is a bit hard for some people. It is not the racist rhetoric of the past, but an unfamiliar flow of new faces. “If the presence of Jewish and Catholic immigrants cause little anxiety, the increase of Muslims coming to America has prompted uneasiness” (Remiers, 1997, p. 110). There is a slight fear regarding whether Muslims would be loyal to the US and be able to assimilate but it does not seem to resonate as strong as in previous eras when Americans wondered whether Jews and

Catholics would be loyal and assimilate. “Some observers question how well large numbers of Moslems can assimilate into a society which is largely Christian and Western in culture and orientation” (Reimers, 1997, p. 111).

VI. Budgetary Impact

A. Federal Cost

FAIR believes that the cost of immigration, after taking into account the taxes that that all immigrants contribute to the system, would be 65 billion dollars in one year. That estimate was for 1996. Generally, Americans felt that way and Congress passed welfare reform to restrict immigrants from getting federally funded programs (Edmonston & Smith, 1997, p. 254).

Immigrants use a lot of resources because they are a growing population, while the native population is declining. American fertility rates are low, while immigrant fertility rates are higher. Immigrant households are usually poorer than native households and therefore receive more government support, and since they do have less money, they also pay fewer taxes. They contribute less to the system but get more from it than most natives. The estimated fiscal burden from immigration is at \$166 to \$226 per native household, with about 89 million households in the US (Edmonston & Smith, 1997, p. 293).

B. Wages

FAIR and other immigrant reform groups believe immigration lowers wages of unskilled workers. “In a supply and demand economy like ours, the more of something there is, the less value it has” (Garling, 1997, p. 28). FAIR goes on to say that immigration displaces a disproportionate number of black workers (Garling, 1997, p. 43).

They do not take jobs of higher skilled workers, because most immigrants are unskilled (Edmonston & Smith, 1997, p. 137). Immigrants create new goods and services for a cheaper price, making the buyer of the product better off. Domestic unskilled workers lose and domestic skilled workers gain (Edmonston & Smith, 1997, p. 139). Unskilled domestic workers would see their wages fall, while skilled domestic workers would see their wages rise (Edmonston & Smith, 1997, p. 140).

C. African American Workers

It does seem historically that black workers were to lose when immigrants came into the US. This was true in the past. Black workers after the civil war did not get the highest paying jobs. They were the lowest in the work force. When there was competition for the lowest position, it makes it harder for black workers to get the job at a decent wage. They did get a break during World War I because of a restriction in immigration. Southern black workers moved to the north and took jobs that white immigrants would previously have taken (Brown, 1999, p. 62).

Today, even though FAIR believes that black workers are losing their jobs, it is more of the poor workers that would be losing their jobs. The most unskilled workers are losing their jobs because of the high competition. It is no longer an issue of race, but the issue of whether the person has the skills in the workforce that would allow him to successfully compete with the immigrant population.

VII. The Media

Congress has been attempting to create immigration legislation, especially in the past two years. As legislation is being debated, the coverage in the news has been a drumbeat. Lou Dobbs from CNN has framed the illegal immigration debate as the

middle class verse the illegal immigrants. Others, such as Sean Hannity of Fox News, Glenn Beck of CNN Headline, and other pundits have covered the issue extensively. Especially after the protests that have occurred in 2006, the media has been covering immigration.

VIII. Conclusion

The anticipation for immigration in the next twelve months is a new reform bill with the spirit of 1986. The bill would be a compromise, giving illegal immigrants a path towards legalization, not amnesty like 1986. Carina Chavez, a congressional aid to Sam Farr with a focus on immigration, believes the changing times would see amnesty as unacceptable, but legalization would be used instead. She said there are 12 million undocumented workers today. The bill would address those undocumented workers. The bill would not necessarily be passed, but the Congress would work towards a bill before the election. After the election, immigration would not be an issue anymore, until the media picks it up again or until the next election.

If a bill is passed within the next year, it would solve the problem of immigration temporarily. The Act in 1965 opened the doors to immigration, the Act in 1986 gave amnesty to immigrants, and the next landmark act has to be as open to immigration as the first two. The ability of Congress to pass legislation that is against immigration and immigrants, such as the Acts past in 1921 and 1924, is hindered by the fact that immigration has become part of the US. Also, corporations have great influence in politics with their donations to politicians, and they have an interest in keeping the flow of immigration unhindered. Another reason would be because the Hispanic population has become a very large voting bloc and Republicans do not want to alienate the voters.

Democrats, some critics would say, would be interested in keeping the flow of immigration because that would result in more votes for them. Hispanics tend to vote Democrat. They would also not like to alienate the Hispanic vote and lose the next election.

The solution to the problem of immigration is fixing the problem. Carina Chavez calls on the Mexican government to try to create jobs in Mexico, as well as create housing, have running water, and a higher standard of living. In fact, for any country that has immigrants coming here, making that country better off would give people fewer reasons to move out of that country. Immigration regulation would be almost unnecessary when people stay in their country and are able to feed themselves and their children.

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The History of United States Immigration Policy

By DeAnka Dopler-Pantoja

Abstract

From the beginning of the United States history, there has been immigration legislation that limits who was allowed to enter the country. The policy of immigration can best be divided into five phases. The first phase in 1882 can best be characterized by the exclusion of Chinese and other Asians from entering the United States and barred from achieving citizenship. The Immigration Act of 1921 made sure the law stayed in the books and also limiting immigration from other parts of the world. The second phase in 1924 was best characterized by decreasing immigration and more restrictions with the passing of the 1924 National Origins Act.

The third phase began in 1943 and was characterized by an increase in immigration and decrease in restrictions. The Bracero Program, which lasted up to 1964, helped build a symbiotic relationship between the Mexican worker and the American employer in this phase. The Legislation and Naturalization Act of 1965, which repealed the Acts of 1921 and 1924, resulted in a fourth phase in immigration.

The number of immigrants coming into the United States, both legal and illegal, forced the Congress to act in the 1980s. In the last phase of immigration, the Immigration Reform and Control Act of 1986 was signed into law by President Ronald Reagan. This act, the new laws of the 1990s, and the events of September 11, 2001 characterized the fifth phase of immigration.

I. Introduction

When the founding fathers set out to build the United States, immigration was considered an important matter. The founders made sure to include language in which to address the topic of immigration in the formation of the country. In trying to keep American values similar to those of Western Europe, Congress aimed to create an immigration policy that they thought would foster and enhance what was consistent with their beliefs. The laws and policies that were implemented by Congress were meant to help protect the views that Americans felt were the core of their beliefs, such as the religious and ethnic composition of the United States.

The first immigrants to settle in the United States were consistent with what the founders had seen as desirable citizens. The leaders formed laws and policies to include men like themselves as citizens of the United States. The laws and policies that were in effect during this era were only open to free white men of good moral character. People of color and white men who were indentured servants could not gain their citizenship during this time.

During the founding of the United States of America, the issue addressed was of citizenship and naturalization. In the first article of the Constitution, Article 1 § 8, Congress has the power “to establish a uniform rule of Naturalization...” With this newly gained power, Congress established immigration laws designed to place restrictions on immigrants entering the United States. The Naturalization Act of 1790 was the first policy aimed at establishing requirements for naturalization. The prerequisites that had to be fulfilled in order to secure naturalization were for a resident to reside in the United

States for two years and to be a “free white person” of “good moral character” (LeMay, 2004, p. 1-27).

II. Phases of Immigration

After the U.S. Civil War the issue of immigration became a greater concern to government leaders. Because states began to adopt and execute their own immigration laws, in 1875 the United States Supreme Court ruled that immigration was a federal responsibility. Although the Supreme Court made their ruling in 1875, it wasn't until 1891 that the Federal government took over the regulation of immigration. With this ruling it was concluded that the federal government was responsible for implementing a national immigration policy. Under the new policy the federal government would be in control of admitting, rejecting, and processing all immigrants seeking admission into the United States of America. In carrying out the duties of this policy, immigration inspectors were stationed at major U.S. ports where they documented all arriving immigrants (Duignan & Gann, 1998, p. 9-21).

To address and have the capacity to manage the ever-growing immigrant population, the federal government constructed a new federally operated immigration station on Ellis Island. The Ellis Island Immigration Station was located in New York harbor. Most of the immigrants that traveled through Ellis Island were of European decent. Before Ellis Island closed in 1954, more than 12 million immigrants passed through the port on their way to becoming American citizens. While Ellis Island and other ports of entry saw to the needs of the immigrants on the East Coast of the United States, Angel Island was constructed to handle the processing of the immigrants on the

West Coast of the United States, which mainly consisted of Chinese, Indians, and Japanese. Angel Island, located in San Francisco, California, was used as an immigration station from 1910 until 1940. More than 175,000 Asian immigrants entered through the Port of Angel Island. Angel Island was not only used for admitting, rejecting and processing immigrants, it was also used to detain immigrants from Russia, Korea, the Philippines, Japan, and China. Angel Island was intended to control the flow of the Chinese immigrants into the United States, who were no longer welcomed by the government with the passage of the Chinese Exclusionary Act of 1882.

Although there were prior acts to the Chinese Exclusionary Act of 1882, this act was considered a beginning point of immigration policy for the United States. The immigration policy can be divided into five distinct periods of time in the United States of America: 1882-1924, 1924- 1943, 1943-1965, 1965-1980 and 1980-present (Daniels & Graham, 2001, p. 1-69). Based on the records, there have been significant changes and events in each period that have defined and shaped the policy of America (LeMay, 2004, p. 1-27).

Phase One (1882 to 1924)

The time from 1882 to 1924 had been a period of high immigration and growing restrictions (Daniels & Graham, 2001, p. 1-69). The first genuine regulation of immigration was with the passage of the Chinese Exclusionary Act of 1882. Until this act was executed, there were no real restrictions placed on immigration. The immigrants who were subjected to these regulations were Chinese laborers. The laborers who had not previously been in the United States were barred entry. These actions were the result of anti-Asian racism that was shared by most Americans, and also because of the fears of

the working white men that the Asians would take away their work (Daniels & Graham, 2001, p. 1-69).

There were many actions by the United State government that were restrictive to the immigrants of Asian descent. As other Asians began to immigrate to the United States, Congress became concerned and passed the act of 1917. This act, also known as the “barred zone” or “Asia-Pacific triangle,” was meant to place more restrictions on Asian immigration into the United States. With these actions Congress hoped to stop most Asian immigration, but they were faced with an obstacle to their plan. The courts ruled that Filipinos were “American nationals,” therefore entitled to unrestricted entry into the United States. Even though the Filipinos were still denied citizenship, they were the only Asian group allowed to come to the United States to work (Duignan & Gann, 1998, p. 1-69).

The next act to be passed was the act of 1921. This was the first time in history that a numerical cap had been legislated, which was not an absolute number but a variable. There were exceptions to the quota rule in place; for example, aliens under the age of 18 who were children of American citizens were exempt from the quota. It also gave favor to immigrants from the Western Hemisphere, mainly Canadians and Mexicans (Daniels & Graham, 2001, p. 1-69). This Emergency Quota Act stated that the number of immigrants from ‘the eastern hemisphere’ could not be more than 3% of the number already in America in 1910. It also restricted the maximum number of immigrants in any year to 375,000 (Daniels & Graham, 2001, p. 1-69).

Phase Two (1924-1943)

Decreasing immigration and more restrictions were seen in this period. Although the 1924 National Origins Act was aimed at seriously restricting the flow of immigration into the United States, it turned out to be a “law of unintended consequences” (Daniels & Graham, 2001, p. 1-69). Although there was a significant reduction of immigration, there were still 1,762,000 immigrants who entered the country. Many of them, European immigrants, learned how to use the laws to their advantage, allowing them to immigrate to the United States in higher numbers than Congress thought were available.

During 1924 Congress passed an act granting citizenship to Native Americans, who had not already received their citizenship as specified by the 1887 Dawes Act or by military service conducted during World War I. Although Native Americans should have already been considered American citizens many were not, and this caused an inflated immigration count.

The United States saw an all time low in immigration as a result of the Great Depression of the 1930's. During this time, President Herbert Hoover called for stricter control on immigration. Although Hoover was adamant about his concerns for limiting immigration, no real changes were made during his administration.

During Franklin Delano Roosevelt presidency, there was virtually no change in the immigration policies. In 1939, a second world war broke out in Europe and President Roosevelt was faced with the dilemma of refugees trying to seek safe haven in the United States. The president did not make any moves to allow the refugees to gain access, but he did make a number of non-public directives that allowed the refugees who made it to the US, enter the US.

With the end of World War II the Immigration and Naturalization Service (INS) was transferred from the Department of Labor to the Department of Justice, which began a different approach to immigration. The Cold War followed the end of World War II, against the Soviet Union. Soon after the transfer of the INS, Congress passed the Alien Registration Act. This act required all aliens to register, be fingerprinted, and keep the government informed of their address.

Phase Three (1943-1965)

Since the United States was faced with labor shortages, the government took steps to increase immigration and decrease restrictions from 1943, till 1965. By bringing temporary labor to the United States the government sought to address the labor shortage issue. A series of laws were passed in 1943 and 1944 to import “temporary agricultural workers” and industrial workers for services that were vital to the war effort. Known as the Bracero Program, the program lasted until 1964, which had resulted in the development of a symbiotic relationship between the Mexican worker and the American employer (LeMay, 2004, p. 1-27).

Another turning point in the American immigration policy was in 1943, with the repeal of the statutes that had effected the Chinese exclusion. President Roosevelt convinced Congress to consider China as an ally and to rescind all the statutes against them. This allowed the Chinese to be eligible for naturalization. Other Asian nations were still excluded. By 1946 there was new legislation that also permitted the Filipinos and “natives of India” to immigrate and naturalize as American Citizens. According to Daniels and Grahams (2001), “It is both ironic and fitting that, just as the Chinese

Exclusion Act of 1882 had been the hinge on which the golden door had begun to close, its repeal in 1943 marks the beginning of an opening swing of that same door”.

Phase Four (1965-1980)

By 1965, the immigration policy saw increasing immigration and relatively low restriction, also known as “the revolving door era” (LeMay, 2004, p. 1-27). Congress passed the Immigration and Naturalization Act in 1965, which abolished the quota system and opened immigration to Asian nations. The 1965 act placed a high emphasis on family reunification, which greatly increased family immigration into the United States. During this time, immigration from Asia soared, as well as Mexicans.

As the golden door into the United States swung open, many people saw the opportunity live a better life. With this new surge of immigration, as a result of the Act of 1965, entirely different nationalities entered the country. At this time, the United States faced the issue of illegal immigration. As the backlog of applicants from Latin America began to increase, so did the amount of illegal immigrants who slipped in under the radar of immigration officials.

The 1970’s saw unprecedented unemployment and inflation rates, which led to the calls for immigration reform. The organized labor unions made moves to answer the threat of illegal immigrants. They began working with representatives of the AFL-CIO and the NAACP to propose an employer-sanctioned amendment to the Immigration and Naturalization Act of 1965. The “Texas Proviso” had been eliminated, making it unlawful for employers to hire illegal immigrants. In 1976, Congress was prompted to amend the Immigration and Naturalization Act of 1965, because the increasing number of

illegal immigrants. This amendment was the first of several to deal with the issue of illegal immigrants (Daniels & Graham, 2001, p. 1-69).

Phase Five (1980 Present)

As illegal immigration became more of a problem, President Ronald Reagan and Congress struck out to find a solution that would help illegal immigrants already in the country remain in the United States legally.

Trying to discourage illegal immigration and giving amnesty to the illegal immigrants already in the country, President Reagan signed into law the Immigration Reform and Control Act of 1986 (IRCA). In addition to providing amnesty, it required employers to cease hiring illegal immigrants. There was also a distinction placed between applicants who were lawful permanent residents and for those immigrants who had no legal status in the United States. In the criminal area of immigration there were major changes, such as mandatory detention for immigrants convicted of certain crimes. IRCA also allowed for the United States Attorney General to hire approximately 1,000 new Border Patrol Agents and new support personnel each year. Though IRCA legal immigration was expanded, it did little to limit illegal immigration into the United States (LeMay, 2004, p. 1-27).

In 1990, a new immigration act covered major reform of legal immigration. Again, family reunification was classified a top priority for immigration. Amnesty for immigrants was extended to the undocumented family members who had previously taken advantage of the amnesty requirements of IRCA. Employment was also a main concern for immigration. Under the provisions of this act, there was a separate annual

quota established allowing for 140,000 immigrants with job skills needed in the United States.

Another provision addressed in the Immigration Act of 1990 was immigrants who would suffer from hardship if deported. This law gave the INS power to grant temporary protected status to immigrants that were areas that were undergoing armed conflict and other extraordinary conditions. These new reforms set higher levels for worldwide immigration, because it set higher limits of immigrants allowed to enter the United States each year. This act also made it easier for immigrants to become naturalized by giving exceptions to the English testing process required under the Naturalization Act of 1906.

In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act became law, but it did little to mark the end of demands for immigration reform. Under the act, it made it easier for agents of the United States to deport illegal immigrants entering the United States. If an illegal immigrant remained in the United States for a period of more than six months, he or she was barred from re-entering the country for three years. If the illegal immigrant had remained in the United States for more than a year, he or she was barred from entering the United States for ten years.

President Bill Clinton proposed a softening of the immigration reform of 1996 by signing the Legal Immigration and Family Equity Act. It brought back amnesty for illegal immigrants who had failed to apply for amnesty under IRCA. These provisions provided for illegal immigrants who were spouses or children of Americans to apply for residency in the United States. This act allowed for an estimated 400,000 illegal immigrants the right of residency.

However, this view was very short lived as the United States was attacked on September 11, 2001. As a result of the terrorist attacks, the USA Patriot Act was passed by Congress and granted comprehensive new powers to the attorney general, FBI, and Department of Justice in relation to immigrants. The Patriot Act was implemented by President George W. Bush to fight terrorism, but it had a significant impact on the immigration laws of the United States (LeMay, 2004, p. 1-27). Under this act, funds were provided to hire more border agents and immigration officials were given more power in detaining and deporting immigrants that were suspected of terrorism. Officials also asked for the implementation of machine-readable passports and a report on integrating automated fingerprint identification for ports and entry into the United States.

About a year later, Congress passed the Homeland Security Act to further protect the needs and security of the citizens of the United States. The federal government focused on immigration as a national security issue. The Homeland Security Act abolished the INS, and its functions were moved to the Department of Homeland Security. Some of the new responsibilities which concern immigration are: domestic intelligence activities, transportation security which includes aviation and maritime, and border security which includes both land and maritime borders. Within the DHS, the Bureau of Border Security and Bureau of Citizenship and Immigration Services were two main departments that were responsible for immigration laws and their implementation. The Bureau of Border Security is responsible for border patrol and the enforcement of immigration laws. The Bureau of Citizenship and Immigration Services responsibilities include handling applications of visas, citizenship, asylum, and refugee status.

II. Other Immigration Policies

Japan

The US system of immigration is unique in the world. Two systems that demonstrate the contrast between policies of immigration are that of Mexico and Japan. When comparing immigration policies of Japan to that of the United States, Japan has a very conservative view and have are homogeneous ethnically, culturally and linguistically. They do not allow permanent immigration because they fear that immigration of foreigners is a threat to the homogeneous nation. The government's primary purpose is to protect and preserve the Japanese nation, and they feel that it is in Japan's best interest to maintain its culture, ethnicity and language. Although a non-Japanese person could fluently speak Japanese and be socially accepted, they could never be considered Japanese in the eyes of the society.

Since Japan defines itself ethnically, one of their main goals is not to break the ethnic homogeneity of their nation. Ethnicity is not something that can be acquired; it is with this philosophy that the policy makers say that it is not possible to become Japanese.

Mexico

A contrast to Japan is Mexico. Mexico has laws to ensure that foreign visitors and immigrants are in Mexico legally. The foreign visitor or immigrant must prove to the government that they have the means to support themselves and not be a burden on society. They also have to prove that they would be a benefit to society and of good moral character. While visiting Mexico, visitors are banned from interfering in the country's internal politics, and if entered under false pretenses they can be imprisoned or deported.

The Mexican Constitution creates a distinct separation of rights between that of natural born citizens and that of naturalized citizens. This separation has established a two-tier system. Although a naturalized citizen is in Mexico legally, a legal citizen is not treated equally in Mexico. According to the Mexican Constitution, Mexicans have priority in all areas of employment. It is also stated that only Mexican citizens by birth can hold employment such as military office, Mexican flagged ship and airline crews, federal lawmakers and even members of the clergy. One must be born in Mexico to own property or even vote. A legal immigrant in Mexico is always faced with the chance of being expelled for any reason without due process of the law.

A clear look at the policies of Mexico and Japan leads one to believe that the policies of the United States are more lenient than either of these two countries.

Conclusion

From the founding of the United States, the government was quick to act and draw up legislation to deal with immigration. Beginning with the Naturalization Act of 1790, through two World Wars, to the aftermaths of the events of September 11th, 2001, immigration reform has remained a constant evolving issue. The United States has become home to immigrants of multiple ethnic backgrounds, as well as religious and cultural beliefs, as a result of the immigration policies.

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Examining The Significance of Ethnicity in America's Approach to Immigration

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I find that many who talk the loudest about the need of a supreme and unified Americanism of spirit really mean some special code or tradition to which they happen to be attached... Neither Englandism nor New-Englandism, neither Puritan nor Cavalier, any more than Teuton or Slav, can do anything but furnish one note in a vast symphony.- John Dewey Nationalizing Education (1916)

Abstract:

This paper provides a comprehensive account of how ethnicity can be considered to be a factor in America's approach to immigration. First, the paper looks at the political climate in Congress during the 109th session and gives a brief account as to the possibilities of future immigration reforms in the new 110th Congress. Second, the paper looks over the history of American immigration, and how ethnic discrimination has played an integral part in the creation of American immigration policy since the mid 19th century, and how ethnic discrimination may surface in current American politics. Third, the paper looks to how poorer nations dominated by American or western business have lower class individuals who develop an actual *moral* claim on American society. Lastly, particular objections to more inclusive, and more open immigration policies will be discussed.

The general contention argued through these different sections is that in order to make headway in the American immigration debate, and about understanding the role of ethnicity in immigration, it is necessary to give a well founded, but greatly analyzed account of what we know, in order to have a fuller understanding of what we are studying. In regards to the matter of ethnicity and immigration in the United States, it is

argued that ethnic discrimination has been able to surface in American immigration policy, political debates about immigration, and in certain parts of the American society's sentiment, because to a great degree there has been a neglect of moral or ethical reasoning in the immigration debate. It is also argued that contemporary science can only help so far with the political judgments made by our society, and unless Americans begin to think more about conceptions of morality, natural law, and natural rights, the public debate will not unfold to its full potential.¹

I. The Political Climate of the 2006 American Immigration Debate:

During the 2nd session of the 109th Congress, the Republican controlled House of Representatives began to propose hard-line “non-comprehensive” immigration reforms with the proposals of bills such as HR4437; these reforms, demanded harsh felony level criminal convictions for undocumented immigrants, their American families, and their associates.² The effort to criminalize illegal immigrants was also heightened by a reform passed in late 2005 demanding the installation of a 700 mile wall along the U.S.-Mexican border.

By the spring of 2006, the Republican controlled Senate refused to support the non-comprehensive reforms which had incited a national gala of pacific protests in the spring of 2006. Senatorial hearings were conducted which removed the felony clause in HR4437, and which would settle the uprisings of nationwide protests and boycotts from

¹ A particular *moral* approach, to reasoning about the immigration debate and the role of ethnicity in the debate is described in the fourth section.

² HR4437 also proposed the undercutting of fundamental rights of *due process*, when an undocumented immigrant was to be apprehended by law enforcement agencies, and would not allow the immigrant a trial by his peers in the case of a deportable offence.

March to July of 2006. In response to the Republican reforms, Senator Edward Kennedy of Massachusetts, and Senator John McCain of Arizona proposed a comprehensive immigration bill, which would permit illegal immigrants living inside the United States for two years or more, the ability to apply for residency. The bill would also provide an expansion of the national guest worker program, as well as an increase in the size of the federal Border Patrol.

In March of 2006, President George W. Bush in a nationally televised address from the Oval Office argued in favor of a comprehensive reform that tried to borrow from both of the aforementioned approaches to the issue. However, despite Presidential endorsement of the comprehensive reforms, the Republican controlled Congress would not proceed in further proposing or adopting immigration reforms for the rest of the session.

Currently, the new 110th Congress will have to deal with the issue of federal immigration reform and shall have to somewhat appease advocates of both sides of this issue in order for the reforms to be approved by both houses of Congress and implemented. The issue of federal immigration reform has supposed that state governments, including the State of California, will generally comply with the terms set out by the federal reforms. In the case of California, politically it seems that a Democratic approach to federal immigration reform will not conflict in spirit with the increased leniency that Governor Schwarzenegger has shown for illegal immigration, particularly after his sanctioning of illegal immigration through the abolition of the driver's license privilege to illegal immigrants. The new Congress's approach to federal immigration

reform presumably will nevertheless have to generally agree with California's state political orientations about this issue in order for California to help enforce the reforms.

Today, the United States stands at a crossroads when dealing with immigration. The new 110th Congress has not yet adopted any particularly large immigration reforms, as moderate Democrats have often been reluctant to promote a more comprehensive approach. It seems increasingly probable that the New Congress will side with many of the reforms proposed by President Bush, allowing some Democrats to side with their Republican counterparts.

It is important to recognize that in 2007 the American debate over legal and illegal forms of immigration presents an opportunity to break away from the conventional approaches to immigration. Microsoft CEO Bill Gates, for instance, has suggested that removing the limitation on visas for highly skilled workers in the technology industries, and for students in higher education, can contribute immensely to the development of a higher skilled workforce and a higher capability to acquire international knowledge workers. This would be an unprecedented move in the past hundred years of American immigration policy. Suggestions such as this however, could perhaps lead to a novel and more beneficial approach to a new American immigration policy.

II. On the History of American Immigration Policy and its Ethnic Implications:

In an article written by Philip Martin and Elizabeth Medley, *Immigration: Shaping and Reshaping America*, Martin and Medley give an in depth account of the four waves of immigration that have oscillated through the United States since 1780 (2006, p 1-29). Their account of the waves will be briefly described and combined with several

other sources, and thoroughly analyzed with a particular attention to the ethnic significance that each wave has presented.

During the first wave of immigration, according to Martin and Medley from 1780 to 1875, the United States had absolutely no limits upon the number of immigrants admissible into the U.S. from any particular country. Federal, state, and local governments even encouraged immigration during this period. In 1790, the adoption of the Naturalization Act mandated residence for several years before granting citizenship. By the 1840's, there arose an influx of Catholics from Germany and Ireland which incited parts of the Anglo-Saxon community, especially Protestants and clergymen, to urge a reduction in the volume of non Anglo-Saxon immigration (2006, p. 2, 6-8).

From 1875 to 1920 the second wave would bring about a certain amount of *qualitative restrictions*, as argued by Martin and Medley. In 1875, convicts and prostitutes became prohibited from immigrating. In 1882 immigration from China became illegal, in 1897 literacy tests were required for immigration, and by 1917, immigrants had to be over the age of 16 (p. 6-8).

In 1921, there began *quantitative restrictions* upon immigrants, which set a numerical limit upon the amount of immigrants accepted from a particular country. The limit would be determined by a three percent proportion of how many immigrants of a particular national background had already settled in the United States. This proportion or "quota" system would change in its details but remain essentially intact until the 1960s. During the early 1960s, the Kennedy administration proposed to cease the institutionalized origin discrimination system in the immigration policy. By 1965, ethnic quotas in American the immigration policy were abolished, and American relatives of

immigrants could help petition for their stay in the United States. Also, a limit to the volume of immigrants acceptable from the western countries was also imposed (Martin & Medley, 2006, p. 2, 6-9).

In the final wave of immigration it has been noted in the social sciences that during the years of the Reagan Administration there was a large push for immigration reform, as Asian and Latin immigrants began to be the overwhelming majority of people immigrating to the United States during the 1980's. The political debate during this period considered the importance of Latin, and many Asian immigrants in the agricultural, or lower skilled industrial sectors of the American economy. To businesses operating in these sectors of the economy, these immigrants provided an increase in the labor supply in this domain, allowing these businesses to be staffed with relatively low wage earning workers. There were also reforms instituted in 1986 that Martin and Medley mention, which created a requirement for employers to screen their employees' legal documentation to determine their eligibility to work in the United States, which has been later judged as inefficient and ineffective (2006. p. 1-29).

Martin and Medley's account of immigration policy over the past four centuries, clearly suggests that ethnicity has played a critical role in defining immigration policy towards immigrants from certain nations from at least 1882 to 1965, and has been an important political issue since the early 19th century. It is this long progression of resentment of first the Irish and German Roman Catholics in the 1840's, to the resenting of immigrants from eastern and southern Europe in the mid 18th century, to the limits upon the number of immigrants permissible from eastern countries in the late 19th

century to the mid 20th century, that has shown a clear pattern of institutionalized ethnic discrimination by way of its immigration policy.

The resentment that each minority immigrant group which has not been considered Anglo-Saxon, or 'white', has faced when arriving in the United States, has evidently proven to not greatly undermine the social cohesion and national identity of the United States as a whole. It is fairly apparent historically that the resentment which the Irish and German Roman Catholics, or that of eastern Asian immigrant has faced when arriving in American society gradually subsided, as the new immigrants became assimilated into the broader American society. This may also imply that since at least the 19th century, American society has accepted an ethnically discriminatory approach to the immigration issue, thereby implying that contemporary political discontentment with Latin immigrants, especially illegal immigrants, should only be expected from parts of American society which has a long lineage back to the generation of the founding of the United States.

American society accepting a racist tinge in how it views immigrants from certain countries has become at least in theory, an approach against the spirit of a multiculturalism, which has often become the trademark of American society internationally. On the other hand, it also shows that ethnic discrimination has become part of the American immigrant experience. To be looked down upon by other more established ethnic groups in American society is merely following the American tradition. Despite the failure of so many immigrants to assimilate quickly into the mainstream of American life, this conception is still present with certain ethnic groups towards others (i.e. Latin and Mexican immigrants). It logically presents a large

hindrance to immigrants in their process of assimilation. The placing of so much importance upon certain ethnicities in the political discussion of immigration reform, as has been the case in Congress for the past two years in their cracking down along the United States- Mexican border, can perhaps be justified in several manners, by advocates who claim that it is not inspired by ethnically prejudiced motivation, but rather from a practical policy standpoint where certain non white immigrants overburden the social systems of the United States and have no moral claim or legal grounds to be in the United States illegally. The failure to assimilate and adopt American liberal democratic modes of socialization is the criticism that was employed against the Germans, the Irish, the Italians, southern Europeans, and it is being used today against Asian and Latin immigrants.

Lastly, this paper claims in the subsequent section that it is possible for the immigrants of countries that have been dominated or exploited by the U.S., especially from Asian and Latin American countries, to have a claim in American society by virtue of their personal and contribution to the success of the United States. This is a moral claim that exists in the moral law of humanity, and without any type of moral claim in American society, it would be considered prudent to colonize a people, and not have to be compelled morally to give these persons the fruits of their labor, something which may be tantamount to a type of slavery. It is by this approach in reasoning that immigration from poor non white countries is justified morally.

III. On the Ethnic Significance of Globalization, Neo-liberalism, and U.S.

Multinational Business: The Immigrant's Moral Claim to American Society

This section argues that the valuing of negative liberty in English and American societies has only served to expand and intensify the phenomenon of globalization, as globally competitive multinational businesses have devised a greater international division of labor along national, racial/ethnic lines which may *morally* justify immigration into the U.S. by persons of the third world.

The cherished American and Anglo-Saxon principle of *liberty* in philosophy and political thought, since at least the 17th century, has evidently become the foundation of current American free market based, political economic policies and principles. It is this reverence for the ascertainment of a negative liberty in society that has helped permeate the principles of traditional liberalism and liberal exchange in countries of the west. It is this permeation of neo-liberalist principles that has built the foundations by which *globalization* can expand itself, allowing businesses in the open market to expand and exchange as they please within the confines of their unified markets.

In Western Europe, the United States, and Canada, there have surfaced great economic protectionist forces. These forces of the 21st century attempt to gain more economic independence and sovereignty for themselves, and move away from allowing the multinational businesses of other countries to dominate their respective country's economy. An example of this would be the European Union or MERCOSUR, the South American trading bloc, both involving countries which intend to protect themselves from foreign multinational business domination, but which still would like to expand the access they have with market access.

Arguably, globalization is the result of the reduction of economic protectionist forces internationally. It is a game that evidently allows the most competitive multinational businesses to assert themselves in the markets and economies of other countries. It is this particular lack of economic protectionism which allows multinational or transnational businesses to have a much freer reign over the economy of a particular country, which in the case of poorer countries, as in the case of Malaysia or Cambodia (assuming these countries are institutionalized with strong currents of liberal democratic reform) may legally become the utility of the most competitive foreign multinational businesses in the world. These multinational businesses, which have an interests in these countries, can legally utilize for their own purposes these poor economies as they see fit, while they can out compete and uproot smaller and midsize local native businesses, and begin to hold a great deal of the private assets of a particular country.

The most devastating feature of globalization is that it seems to relegate each individual country to become more dependent upon the industrial sector which multinational business have developed, and thereby instead of having a more well rounded economy, where locally owned businesses can sustain themselves and introduce new sectors to the economy, the poorer country's economy is increasingly held captive to the industrial purpose set out by the foreign investors, and therefore loses a sense of its own autonomy and economic liberty, as open door policies cannot discriminate enough as to repel the businesses of other countries. The poor liberalized economy is essentially compelled to assume the dirty work of the multinational businesses. In this case it is possible for a group of foreign multinational corporations to become the backbone of a poorer country's economy, and intentionally or unintentionally, relegate the country to

remain as having one particular role in the international division of labor, resulting in one nation providing hard labor and another nation to provide highly skilled, intellectual labor.

In relation to American immigration policy, it is important to consider the social, political, and economic implications of globalization, as the United States has had such a large role in expanding globalization in the 20th century. With its promulgation of its liberal democratic principles to Western and Eastern Europe after World War II, to Asian countries including South Korea, the Philippines and Cambodia, as well as Latin American countries including Mexico, El Salvador, and Nicaragua. The U.S. having helped along globalization and an international order of liberal democracy, has thereby essentially influenced economically smaller countries of the world, countries that notably have been influenced by the American multinational businesses. Consequently, as will be evident in the subsequent section, immigrants from these underdeveloped countries, which have been held at the mercy of globalization, have sought to leave their country of origin. It is precisely because American businesses have stalemated their economies to become unskilled manufacturers of these businesses.

If a person from another country is ethically entitled to a reasonable wage, or compensation for her labor (partially paid to the person by a U.S. multinational corporation), then would the person have an ethically justified claim in moving into the United States, in order to reap the fruits of his or her labor, and like the others who have given their labor indirectly to American society?

Assuming that the United States has had a hand in helping along globalization in the latter part of the 20th century, and the beginning of the 21st century, globalization and

its effects on third world countries have been often devastating, as natives are forced to play the game of the multinational corporation, which rich foreign investors have funded, and which has cost natives particular economic, political, and social liberties. If this is the case, it seems reasonable to argue that powerful foreign western multinational businesses, and perhaps even American society, should be considered in large part responsible for domination over these economies. Moreover, the wealth that has been acquired by American multinational business has been in large part because of the *surplus labor value*, or the exploited labor of the worker in that particular foreign country. Therefore, if the American multinational business helps build up American society, then the foreign worker also does by virtue of his or her critical contribution to the successful American businesses. Also, it could be argued that in the more heavily dominated foreign economies, it is the whole lower class of the economy that pays for this domination, and has helped foreign business along.

The moral argument given here is that since the foreign workers in the exploitive conditions of globalization have given more of themselves and their labor, often to inhumane and exploitative standards while working, than they and their society are compensated for, by foreign multinational businesses. Also, foreign workers have a moral claim in the American society because they have helped build it up. Besides the actual wage earnings they lose by the multinational businesses cheating them out of just compensation for their labor value, what their labor is really worth after production or the service is completed, it is also reasonable to say that the workers have been cheated out of the *society* which they have been contributing to with their blood and sweat. It is by this rapport of the worker and a global economic domination of the United States, and

Western businesses, and of the worker being exploited by the last two, that they have *a moral claim in American and Western society*.

IV. On the Objections to Immigration from the Third World:

The sort of problem that arises when a prosperous American society is forced to deal with immigration from poorer non white countries is a problem that has shown several social phenomena which have often been objected to by factors of American society. Practical issues which concern themselves with the overburdening of state and federal programs, which are critical in shaping of public education, healthcare, social services, and the criminal system, present conventional problems of immigration overburdening the state.

In the case of Latin America, as argued by William Robinson in his article, *Immigration Rights*, capitalist globalization has caused Latin American countries to seek trade agreements, privatizations, and downscale their political economic power, creating an uprooting of Latin communities and waves migration for thousands of Latin American immigrants from both rural and urban regions (2006, P. 82). He further argues that as Latin Americans immigrate into the U.S. and other Western countries, once they begin earning a salary, there is a great part of the population of these immigrants who send remittances back to their country of origin (2006, p. 83). In El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica and Nicaragua, these types of remittances were the leading types of foreign exchange for these countries (2006, p. 84). Remittances from the United States to Mexico soared to a remarkable \$20 billion in 2005 and were second in foreign exchange only to oil and *maquiladora* exports (2006, p 82-84). Evidently this

takes a great deal of domestic capital out of the United States and sends it back out to the third world countries in the Americas.

It is possible to see how immigration to the United States can quickly become a means by which the immigrant can, with his or her own earnings, redistribute the earnings back to the family in the place of origin and take advantage of the American economy. This enormous flow of money out of the United States is certainly one of the greatest concerns that have been voiced about the movement of immigrants into the United States. However, at the same time it does perhaps serve as a good mechanism by which the United States demonstrates its participation in alleviating the poorer countries' economic disparities.

As mentioned earlier, one of the largest objections to both legal and illegal immigration is that immigrants have burdened the state and federal organisms which support healthcare provisions and social services. William Robinson in his article claims that immigrants contribute greatly to these systems more than they have taken, in a passage he writes,

Yet as the National Immigration Solidarity Network points out, immigrants contribute \$7 billion into social security a year. They earn \$240 billion, report \$90 billion, and are only reimbursed with \$5 billion in tax returns. They also contribute \$25 billion more to the US economy than they receive in healthcare and social services. But this is a limited line of argument, since the larger issue is the incalculable trillions of dollars that immigrant labor generates in profits and revenue for capital, only a tiny portion goes back to them in the form of wages. (2006, p.88)

Obviously, according to the National Immigration Solidarity Network, an entity which tries to create an international support system for immigrants of different countries to allow international exchange and the mobility of labor around the world, immigrants pay taxes and overall have given on the order of billions over what they have taken from the

state entities in social services and healthcare. However, to a great degree at the micro level, there are social service facilities or medical facilities that give their services to the illegal immigrant and are not compensated for the service in a particular case. This is a problem that is very difficult to resolve as illegal immigrants who decide not to pay for their services often go under the radar and are not forced to pay for their social services. Robinson does seem, however, to also make a point about how the labor of illegal immigration has created a tremendous amount of profit for business and heightened revenue on the order of trillions of dollar, which obviously contributes to the prosperity in American Society.

V. Conclusion:

This paper has examined, first the political climate that has manifested at the federal level regarding proposed immigration reform by the 109th Congress, as well as by the current Bush Administration. It has been evident how in 2007, the comprehensive immigration reform is certainly a viable political reform for the New Congress, and how the approach to immigration reform is at a crossroads where novel types of reforms have been suggested and are possible with the Democrats controlling Congress. It is this sense of optimism in immigration reform that has been supported by the 2006 immigrant protests and boycotts that is justifiably prudent, as it can help provide the US with an opportunity to will a different and more profiting approach to immigration.

In the section accounting the several waves of immigration since 1780, the history of institutionalized, ethnic based discrimination in American immigration policy has been present since at least the mid 19th century. It is this ongoing tradition of the American

ethnic majority resenting the arrival of ethnically different, more financially impoverished persons that have burdened the immigrant with perhaps unnecessary and unjust discrimination. Recently, the resentment has been directed toward the latest inflow of immigrants, which since the 1980's has been predominantly Latin American and Asian. The lineage of ethnically discriminatory treatment towards certain groups of immigrants has been evident in the political aversion towards a more inclusive, more liberal immigration policy.

In the third section, on understanding the ethnic significance of globalization, neo-liberalism, and multinational US businesses, it is argued that the American and Anglo-Saxon principles of economic liberty that have been justified by the United States in its international actions, have only served to intensify globalization, allowing American and Western businesses to dominate weaker economies, especially in Asia and Latin American countries. As a result of globalization, and the actions of the United States in these countries, the individuals who are working in an impoverished economy, are too often working for subcontractors, or associates of American businesses. Since the individual and their society are at a loss, and most often do not recover the just compensation for their labors, they essentially have a *moral* claim in American society since they have contributed to its success.

Lastly, in the third section, a couple possible objections to having a more open immigration policy are mentioned. Many of these have a strong basis by which they should object, but these objections are practical economic objections which furthermore can be refuted with practical economic knowledge.

This paper has tried to provide an empirical and analytical examination of the American society's approach to the issue of immigration and has given special attention to the overall role of ethnicity. It has found that the political situation in Congress is ripe for immigration reform, adopting a more novel approach to immigration. It has found the history of American immigration policy to be quite ethnically discriminatory, and that there is a moral basis for poor non white immigrants to have a claim in American society. Overall this examination of America's approach to immigration perhaps reveals that there is a lack of more theoretical, abstract, moral reasoning when considering both sides of the issue, and that a more moral approach suggests that inclusiveness should be based also on a moral foundation as it is on a scientific one. Having a better balanced approach could create a sentiment, an understanding, and a newly found compassion for immigrants from the third world.

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Immigration policy and Family:
The Challenge of Reunification and How it Fosters Illegal Immigration

By Abel T. Belew

Family reunification is one of the primary objectives of U.S. immigration policy. Its provision has enabled many families to be united and it is continuing to do so. But, the challenge of family reunification still exists for some families as a result of immigration policy. This situation has encouraged families to attempt unification illegally. This research work focuses on identifying the reasons behind such challenge. This requires an in depth assessment of the current policy of family reunification and how it treats citizens and resident aliens differently which is key in understanding the problem. The concept of family and the narrow definition given to it by the law has excluded extended families of immigrant families. Family reunification challenges cause family ties to weaken and the financial burden of divided families is huge. This creates a cycle of illegal immigration as families try to escape long waits, lack of provision for extended family members, or other legal challenges by illegal means.

All societies go through different stages of societal, economic, and political changes as a result of technology, markets, poverty, wars, and other reasons. Coping with these changes has been an ongoing fate of human kind. Challenges always bring responsibilities and push humanity to seek alternatives. Avoiding these problems has a catastrophic effect as problems mount to an unimaginable scale which becomes a threat to people's survival.

Migration is one of these areas which have an impact on society. Migration is a world wide phenomenon, and throughout history people have migrated from one part of

the world to different part of the world for various reasons. Trade, war, forced labor, climate change, economic hardship, and hunger have played a primary role in displacing people from their places. Societies face one of these things one way or the other. It is inevitable. For this reason, migration has continued to this day, involving many people.

Countries that are economically and politically stable are the most likely destination of most migrants. Survival is the primary concern of humanity. In our present day, the developed countries of the west, especially the United States, are the dream places of those who are experiencing social, economic, and political hardships.

Unlike the other western developed countries, the United States welcomes immigrants in huge numbers. Its immigration policy is very generous compared to the other countries. It is much easier to come to the U.S. than any other western country in the world. But, this generosity has resulted in consequences which require policy measures to curtail the growing number of illegal immigrants. In the present situation, it is estimated that there are twelve million undocumented people in the U.S. Like never before, this nation is aware of the huge challenge and is seeking concrete measures to deal with it. Passing such measures demands careful consideration. The U.S. should not shut its door to those who are still hoping to enjoy the freedom and the liberty it promises. At the same time, all activities that threaten these promises should also be put in check.

The U.S. congress is in search of reform measure to curb illegal immigration. But, such measure requires considering the policy of family reunification. It is important to assess how families are affected by the current immigration policy. Once immigrants come to the U.S., they also want to bring their families here. But, they have to go through

the legal process which is sometimes very complicated and takes long time. The economical, emotional, and psychological effect of divided families is huge. The delay of family reunification because of immigration policy is causing family ties to weaken, which has a negative consequence in the social nucleus of a society, family. Long waits and legal challenges force people to attempt illegal means to enter to the country.

Before discussing the challenges of family reunification and how it fuels illegal immigration, it is vital to mention the history of immigration in the U.S. This is because the history of U.S. immigration and family reunification are much related topics and we can not study one without discussing the other.

The British were the first Europeans to colonize what is now the U.S in 1607. It is estimated that throughout the 17th century 60 million people have moved from Europe, and two-third of them moved to the U.S. (Miller, Rubby and Miller 1). These new immigrants have helped to create the American society we know today. “American culture, economic life, political structure, and religion have all been influenced by immigrants over time.” (Miller, Rubby and Miller 1) During the first wave of migration, immigrants faced “few restrictions” to come to this country.

However, the “open access” immigration policy began to change later as the Chinese Expulsion Act and the Gentleman’s agreement that limited Asian immigration passed in the 1800. Another immigration act passed in 1920 that put restrictions on the number of people that were coming to the country and ethnic origin became one of the determining factors. This policy diminished the number of people that were coming to this country.

1965 marked the change of quota and ethnic-based policy in the United States immigration law. The civil right movement has played a significant role to bring change to this policy. It renounces the quota and racial policy of 1920 immigration act. “Adding to the momentum for change, the civil rights movement pushed the nation and its leadership to seriously question and reevaluate the racial bias of many of the nation’s laws. Immigration law was no exception.” (LeMay, 3)

An immigration reform was attempted in 1963, but the bill President J.F. Kennedy sent to congress was defeated. After his death, his successor, President Lyndon B. Johnson, continued the fight by bringing back the bill in 1965. Sponsored by Sen. Robert Kennedy and Sen. Edward Kennedy this reformed bill was brought to both houses of the Congress. “To preserve the family unit and to reunite separated families” was one of the five objectives of this bill. (LeMay, 4) This bill marked the first serious consideration of family reunification in U.S. immigration policy.

The goal of this bill was to overturn the quota and “national-origin” system, and replace it “with a preference system.” The bill provides seven preference categories of immigrants for admittance to the U.S. These preference categories have left a monument to guide U.S. immigration policy. Four of the seven categories were given to family reunification. Since then, a change has been made to these categories, but the provision of family preference has not changed. These are the latest family preference categories.

- First preference includes unmarried siblings of a U.S. citizen.
- Second preference includes a spouse and children of a permanent resident alien.

- The third preference includes married sons and daughters of U.S. citizen.
- The fourth preference consists of brothers and sisters of adult U.S. citizen.

This bill made family reunification its central objective.

However, the refugee crisis after 1965 forced the Congress to pass numerous acts on immigration policy. Many people fleeing communism from Vietnam, Laos, and Cambodia came to the United States. For example, the number of Cuban refugees that entered the United States numbered 800,000. The political turmoil and the capture of South Vietnam under the communist forces led to massive exodus to the U.S. Between 1975 and 1979, 200,000 Vietnamese came to the U.S. The refugees, political problems, and economic downturn in some developing countries, especially in Central and South America, gave rise to increasing numbers of illegal immigrants. According to estimates, by the end of the 1970's there were close to a million illegal immigrants in the country. The growing concern forced the Congress to pass various measures.

In addition to fleeing communism and political persecution, economic hardship and huge unemployment were primary reasons that led to increased migration to the U.S. in the 1970's and 1980's. These immigrants were mostly from Mexico and Central America, and most of them were using the vast U.S. – Mexico border to enter to the country. This led to a sharp increase in the number of illegal immigrants, from three and half to six million. The Mexicans accounted for almost sixty five percent of these illegal immigrants.

In addition, people that come to the U.S. as a tourist or with a student visa also added to the immigration problem by overstaying once their visas expired. This decade

marked the beginning of illegal immigration problems, which is still a huge unresolved issue to this day.

The immigration reform acts that were passed after the 1965 Act were mostly aimed at solving the illegal immigration problem. However, the bill that was passed in 1988 tried to distinguish family and refugee immigrants. This bill tried to revive the objectives of family reunification which was a focus in 1965. The Immigration Act of 1990 (IMMACT) gave priority to family reunification by giving a enlarging the number of family members admitted. Even though it was intended to resolve the illegal immigration problem, the provision of 1990 Act was not satisfactory, and the problem called for a more concrete act. In 1996, the Congress passed Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) to take a tough stance on illegal immigration. All these Acts were aimed at solving illegal immigration and were far from addressing family reunification. (Lemay, 2004)

So what are the legal and policy challenges in family reunification cases? What is the relationship between the challenges of family reunification and illegal immigration? Research suggests that the drive for family reunification is one contributing factor to the increase in illegal immigration.

There are two major steps that must take place for families to unite. Filling out form 130 – Petition for alien relative is the first step, and U.S. Citizenship and Immigration Services (USCIS) has to approve it. This form has to be filled by a family member who resides in the U.S., and proof of relationship is also required. Both a citizen and permanent resident alien use this form to begin the process. Then the Department of state will look for whether there is an immigration visa number available for the person to

come to the U.S. If there is available number, that person can apply for that immigration visa number. But, this policy works only for relatives of permanent residents. U.S. citizens do not have to wait for visa numbers to be available. Once their visa petitioned is approved by USCIS, legal status will be given to their immediate relatives without long wait.

On the other hand there are two main requirements which sponsors must meet to bring their relatives to the U.S. First, they have to be a citizen or permanent resident alien. In addition, sponsors must fill affidavit support form to show that they will be financially to support their relative at 125 % above the mandated poverty line.

For citizens, the law has given them a privilege to sponsor:-

- Husband or wife,
- Unmarried child under twenty one years of age
- Unmarried son or daughter over twenty one
- Married son or daughter of any age
- Brother or sister, if the sponsor is at least twenty one years old, or
- Parent, if the sponsor is at least twenty one years old

Permanent resident aliens can file a petition only for:-

- Husband or wife, or
- Unmarried son or daughter of any age

Family ties are the first issue that needs to be considered regarding the policy of family reunification. Immigrants have three types of family ties. They have immediate, less immediate and distant family ties. Immediate family ties include children under the age of twenty one and a spouse. According to U.S. immigration law, “these family ties

qualify the respondent for immigration to the U.S. that is exempt from the numerical quota.” Brothers and sisters who are over twenty one and parents fall under less immediate family. Even though the law has provision for relatives with this type of family tie to enter the U.S., admittance is numerically limited. The third group consisted of cousins, uncles, aunts, grandparents, and in-laws. “These family ties do not qualify the respondents for potential immigration to the United States under the family reunification provisions of the immigration policy.” These three types of family ties are vital in understanding the family reunification process. The law has made clear which family ties qualify to get admissions to come to the U.S.

According to a research done with Pilipino family ties, there is a difference between these three groups of family ties. “First, a much higher percent of respondents with more immediate (47%) and less immediate (63%) family ties have been petitioned by a relative in the United States than is true for respondents with more distant family ties (24%).”(DeJong, Root, and Abad, 1986:605) On the other hand, people that have more immediate ties are more assured of entering to the U.S. than those less immediate and distant family ties. From this we can see how less immediate and distant family ties are less favorable in the system. Even though the law has provisions for families to reunite, the current system is more favorable to only to immediate families.

The other difference among these three groups of family ties is their main reason for coming to the U.S. “Half of the respondents with immediate families ties give joining family members as the major reason for moving, while 34 percent mention jobs and higher income as a primary reason.” (DeJong, Root, and Abad, 1986:606) The attitudes of less immediate family ties are very different from the first group, with only 29 % of

them claiming family reunion as their primary reason to emigrate to the U.S. The same is true of more distant family ties.

Even though immigrants have these kinds of family ties, the law is very narrow to consider all ties as family. What constitute a family are only limited to immediate families. Immigrants perceive the definition of family in a broader and traditional term. In some countries, the three categories of family ties are treated as one. Children, a spouse, uncles, aunts, grandfathers, and cousins are seen as one big family. The elder child or the one with good financial standing has the responsibility to feed the entire family. The expectation rises if that person resides in the U.S. and treating the entire family in equal terms is expected of him or her. However, the immigration law of family reunification is far from giving this kind of broader definition to a family. (Garrison and Weiss, 1979:275) This is troubling to many that have a desire to bring relatives besides their children and a spouse. Distant family ties who are cousins, aunts, and grandparents are given no special consideration, as the law gives no legal basis for them to be admitted. Less immediate family ties also suffer from quota-based admittance, which usually causes long waits. The question of delay has become a major problem for family reunification. This is due to numerical limits which result demand to exceed supply. (Motomura, 1995:521) Different family preferences experience different types of delays. In 1995, visas for first preferences of Filipino families who were “unmarried sons and daughters of U.S. citizens” got visas immediately. However, “the permanent residents’ spouses and unmarried children who received second preference visas (in subcategory “2B”) had been waiting since 1990.” (Motomura, 1995:521) The wait for fourth preference who were as a married child of a citizen was the worst. They were waiting

since 1985. Filipino fourth preference families that were granted visas in 1995 had to wait for eighteen years. Huge Filipino migration to the U.S. added to the problem, as quota restrictions made visas available only to few each year. (Motomura, 1995:521)

This preferential treatment of families under the category of citizenship, age, martial status, and family ties has made family reunification very challenging. For example, it is much easier for citizens than for resident aliens to file for a family member. “The fundamental issue here is whether it is wrong to treat citizens and resident aliens differently for family reunification purposes.” (Motomura, 1995:527) Because of this preferential treatment, many permanent resident aliens wait years without reuniting with their families. “Rather than wait for second preference visa, many permanent residents will find it faster to naturalize and bring in a spouse and/or children as “immediate relatives” (or under first or third preference if the children turn 21).” (Motomura, 1995:526) Lack of legal provision for extended families and preferential treatment of citizens over permanent residents has played a significant role in complicating family reunification. (Motomura, 1995:526)

So, what are the alternatives for these immigrants who are in desperate need of reuniting with their families? Many of them enter the country with “sham marriages”, non-immigrant status such as student and tourist visas and overstayed. Some cross through the border. People file for their grandchildren and distant relatives as their own children. A study was conducted on a Dominican family and how immigration delays led them to use false documents, tourist and student visas, and the border in order to reunify with their families. (Garrison and Weiss, 1979:279)

The consequence of long delays is hard on families that long to be united. “Not only are parents and their adult offspring and siblings (not included in preference categories) separated, but spouses (preferred), legal as well as consensual, and parents and their minor children (preferred) are frequently separated for long periods.” (Garrison and Weiss, 1979:279) U.S immigration policy gives no consideration to the traditional family ties of immigrants and their families. The widows, the old, and the disabled who are totally dependent upon their family members who reside in the U.S. are not included in the family preferential categories. “U.S. immigration policy, rather than fostering the unity and solidarity of families, has forced the separation of families, however defined, provoking the development of illegal mechanisms to effect “reunification” (Garrison and Weiss, 1979:281).”

In order to track false documents INS has launched DNA test policy to confirm parent-child biological ties. This move has curtailed the “illicit activities”. On the other hand, DNA results have opened up new legal complications when the results of the test come. What happened to a Ghanaian immigrant is good example to indicate the challenges of DNA testing for family reunification.

Isaac Owusu was separated from his family fourteen years. He always hoped one day to reunite with his four boys, who are motherless. After he became a citizen, he filed a petition to bring them to the United States. He was required to make a DNA test to confirm his biological ties with his four boys. He had no idea about the dark secret which is about to rock his life. At the time of the test, he assumed there would be a speedy process as a result of the test. However, the result took an unexpected turn. When the result came it shocked him to his core. Three out of the four boys were not related to him

at all, revealing the unfaithfulness of his dead wife. All these years, he was a committed father to all of them. The result shattered his hope of bringing them here. The State Department denied access for the three boys to come to the U.S. since they are not related to him. Owusu did not give up on the three boys and is “still hoping the government will allow the teenagers to join him, arguing that he has been a devoted stepfather, if not a biological parent.” (Swarns, 2007)

Just as the previous cases, delays of family reunification will tempt families to bring their loved ones illegally. People like Owusu will make sure all possible options, whether legal or illegal, are exhausted to unite their family. “A negative result does not eliminate the possibility of reunification. New citizens can adopt children under 16 and bring them to the United States, officials say.” (Swarns, 2007) There is also an option to bring stepchildren and stepfathers with some conditions. But people who are trying to bring their families in are not aware of all the possibilities the law gives them. Lack of sufficient documentation to prove parent-child biological relations is the reason for a DNA test. But it is causing another stir for a family that is divided already. DNA test reveals shocking truth, and this not only complicates the legal aspect but also the family relationship. According to estimates, twenty percent of DNA tests come out negative. Citizen and permanent resident aliens need to be informed by immigration officials about the law concerning family reunification. The provision of the law for family reunification must be clearly laid out to people who are trying to bring their families here. There is no question negative DNA test will complicate things for family reunification. Negative DNA tests will force Owusu and others with similar situation to file a petition as a stepfather and mother. In the case of Owusu, the boys’ mother has died and his only true

child is the old option he has left with to proof the biological ties of the boys with his son.
(Swarns, 2007)

So, where does the main problem of family reunification lie? The cultural definition of family creates tension between US policy and foreign cultural concepts. The U.S. immigration law and other cultures define it differently. The U.S. immigration law has no provisions for an extended family of a citizen and a permanent resident alien. This is a challenge for policymakers, and broadening the provision of the law has a potential to increase “chain-migration” in large numbers. Balancing the need of families and the nation’s interest is very challenging.

The issue of immigration policy and family is currently taking center stage, as officials like Rep. Jose Serrano has resubmitted a bill to “help reunite thousands of families that are being broken by U.S. immigration laws everyday.” (Schepers, 2007) This bill is focusing on families that are here but face a possible separation because of immigration law. Those with “mixed-status” are the main target of this separation. “Nearly 1 in 10 U.S. families with children are a mixed-status family, that is to say, a family in which one or more parents are a non-citizen and one or more children is a citizen. Further, mixed-status families are themselves complex: they may be made up of any combination of legal immigrants, undocumented immigrants, and naturalized citizen.” (Fix and Zimmerman, 1999)

Illegal immigrants have difficulty achieving legal status. This results in families having members with different legal status. Those that are unable to change their status from illegal to legal aliens can face deportation. This policy divides families. Most of the undocumented family members are parents, and most of their children are citizens.

“While these policies might serve the goal of reducing illegal immigration, they do so at the expense of family unit.” (Fix and Zimmerman, 2007) According to estimates 4 million U.S. citizens will be forced to be separated from their undocumented parents or leave the country with them. (Schepers, 2007) Once their parents leave, most of the children will face economic challenges.

The bill that was introduced by Rep. Jose Serrano (D-N.Y.) is trying to address the concerns of the child’s welfare that can be affected as a result of parent deportation. The bill’s main intention is to stop the break up of families. It does not seek legal status for these undocumented parents. H.R. 213 is likely to be passed since it highlights the sufferings of U.S. citizen children who are deeply affected by the law.

Immigration policies, family reunification, and illegal immigration are strongly related. As I have mentioned earlier, the problem of family reunification has played a role in enlarging the numbers of illegal immigrants. Currently, the U.S. president and the new Congress are expected to work together to pass legislation to tackle the growing problem of illegal immigration. So much attention is given to what is taking place in the U.S.-Mexico border. But, I believe any concrete measure needs to consider all the problems which resulted in illegal immigration. Family reunification is one of them.

In conclusion, the current immigration policy has made family reunification, especially for a permanent resident alien, very challenging. Citizen immigrants seem to be favored highly in the U.S. immigration law, with fewer hurdles to bring their families over. On the other hand, the law provides no provision for distant family ties, which are vital in the traditional concept of a family among immigrants. The law seems to favor a spouse and a child of a citizen more than a permanent resident, who has to wait for years

to be united with his or her family. The frustration leads them to bring their families especially those that have no provision in the law illegally.

Even though the current situation calls for policy change, doing so is not easy. Long wait for permanent residents because of numerical limits, the exclusion of extended families, and lack of sufficient information are the challenges for family reunification. Calling for equal treatment of the law for citizens and non-citizens residents will “devalue” the citizenship. (Motomura, 1995:527) This is because “conferring equal family reunification rights on resident aliens would eliminate a significant incentive to naturalize.” (Motomura, 1995, 527). For this reason, it is hard to expect a quick fix for family reunification problems. Giving a broad legal provision to extended family members has a negative impact. It increases immigration, or decreases immigration in other categories such as worker visas, and finally some eligible people have to wait longer. (Motomura, 1995: 528). The available quota will be stretched thin, causing more delays. As we see, these two situations doubt the chance of quick fix to solve family reunification problem. But, the longer the delay and the more challenging it is, family reunification problem will continue to play a role in increasing undocumented people.

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Amnesty

By Justine Bustos

Abstract

What should be done with the illegal immigration problem? This article examines the option of granting amnesty to undocumented workers by using the 1986 Immigration Reform and Control Act (IRCA) as an example to see whether or not amnesty is the solution to illegal immigration. The IRCA had failed to curtail the influx of undocumented workers to the United States, however, it was not the grant of amnesty that made it a failure, but it was due to the lack of enforcement and resources for the employer sanctions and the border enforcements.

Introduction

There are an estimated 12 million illegal immigrants currently residing in the United States. The main debates about immigration are: what to do with those 12 million illegal immigrants hiding in the shadows, how to make them come out, and how to curtail illegal immigration. A solution that has been posited to solve these problems is to grant amnesty. Granting amnesty may successfully bring out the 12 million illegal immigrants in the shadows, however, granting amnesty is not a popular solution due to the negative implications it carries, and the fact that it had been done before but it was not successful.

The 1986 Immigration Reform and Control Act (IRCA) was created in response to the undocumented immigrant problem that the United States was facing at the time. It aimed to curtail the undocumented immigrant population by making employer sanctions, increased border patrol, and granted amnesty to undocumented immigrants in the United States. However, the IRCA did not produce the desired outcome that the United States

had hoped. In this paper, I will explore the reasons why some people are not comfortable with granting amnesty to illegal immigrants, the effects of the 1986 Immigration Reform and Control Act, and what are the other ways to resolve the illegal immigration issue. But first, I will explore why illegal immigration is a problem.

Illegal Immigration

Illegal immigration is the unlawful migration of people from foreign countries to the United States. There are estimated 12 million or more illegal immigrants currently residing in the United States. There are four types illegal immigrants. The first type is known as an EWI, which means Entry Without Inspection. They are people who entered the United States without any form of visa. The second type is a person who used false documents in order to enter the United States. The third type is known as a nonimmigrant or visa overstay. They are people who have entered the United States legally with a temporary visa (either to work or for traveling) that allows them to stay for a period of time but they decide to stay beyond that allowed period. The fourth type of illegal immigrants are people who have become permanent residents but have committed a crime, and are ordered to be deported but disregard the order. (Engdahl, 77)

Illegal immigrants come from all over the world. The biggest percentage of illegal immigration comes from Mexico. They make up 69% of the total amount of illegal immigrants in the United States. (Engdahl, 80) The reason why people illegally migrate to the United States is because they are seeking for opportunities that may not be available in their home countries. They are people either seeking permanent status in the United States, they are known as “settlers”, or they are some who come to the United States illegally but for only a short period of time, they are known as “sojourners”. (Bean,

Edmonston, & Passel, 4) There is an estimated 1.5 million to 2.5 million illegal immigrants entering the United States every year, and an estimated 300,000 of them settling permanently. (Cothran, 22) This is a staggering amount of illegal aliens entering the United States, and it has caused a negative impact.

The costs of illegal immigration are great and alarming. The obvious problem that illegal immigration poses is national security. If there are an estimated 1.5 million people entering the United States illegally, it shows the inability of the government to protect our borders and ports of entry. Illegal immigration impacts the United States economy as well. According to the Federation for American Immigration Reform (also known as FAIR), illegal immigrants displace about “730,000 American workers every year, at a cost of about \$4.3 billion a year, and the supply of cheap labor depresses the wages and working conditions of the working poor.” (FAIR) The American working poor compete with illegal immigrants for jobs because illegal immigrants are willing to do unskilled labor for a lower price that American workers would accept, the working poor are displaced. Also, they pose as a burden to taxpayers. A study done by FAIR, found that in California alone, the estimated cost of illegal immigration is \$10.5 billion. (FAIR) Illegal immigration and what to do about it, is a controversial topic that has everyone clamoring for a solution.

Amnesty

A possible solution for the illegal immigration problem is to grant amnesty. Amnesty is defined as “the government’s pardon for violating policies related to immigration or politics.” (United States Immigration Support) Granting amnesty could effectively make the estimated 12 million illegal immigrants come out of the shadows. If

illegal immigrants are granted amnesty, they will be pardoned for illegally entering the country and for document fraud, and they will then be able to permanently settle in the United States. This option is not acceptable to the majority of the American public. In a poll conducted by Zogby, 52% feel that amnesty is not a good idea. (Zogby) There are various reasons why amnesty is not an appealing choice for legislators and citizens alike.

One of the negative implication of amnesty that makes it unappealing to people is that it shows that the laws has been breached. Amnesty does offer a faster and less expensive way to solve illegal immigration but at the cost of the state's reputation. Ambrose Bierce defined amnesty as "the state's magnanimity toward those offenders whom it would be too expensive to punish." (Bakers, 7) It shows that the government and its law enforcement have been insufficient because so many people were able to go around them, and do as they pleased. It shows that the government cannot control the borders, which suggests that the state is weak.

Another negative implication is that it seems like the lawbreakers are rewarded for entering the United States illegally. Granting amnesty to illegal immigrants will give them the opportunity to permanently settle in the United States. People are opposed to this is because there are still people all over the world who are still waiting to enter this country legally. A study done by the National Foundation for American Policy, found that for some people it takes up to 22 years for some people to be able to enter the United States legally. (Anderson & Miller) Some believe that if illegal immigrants are granted amnesty it would be like they were "jumping the line". It would be unfair to those who waited, and are waiting to legally enter the United States if illegal immigrants are given an amnesty and its attendant preference for permanent residence and citizenship.

Two more negative implications are that illegal immigrants would be excused from paying their taxes, and absolved from being punished for using fraudulent documents as well as the fear that granting amnesty might lead to more illegal immigration. Illegal immigrants use fraudulent documents for social security or even driver's licenses to ensure that they get work. Some of them also evade paying taxes because they may be paid under the table. This goes along with the previous problems because if granted amnesty, the implication is that it is okay to break the law. Illegal immigrants will be granted pardons because that is what amnesty entails. People are also worried that there would be an increase of illegal immigration in the United States if amnesty were granted. Those people who oppose amnesty feel that granting amnesty will encourage more people to enter illegally in the hopes of being included in the amnesty policy or entering the United States illegally because they feel that there would be another amnesty that will allow them to settle permanently.

1986 Immigration Reform and Control Act

A big reason why people are wary of granting amnesty as a way to solve illegal immigration is because it has been done before, and it did not produce the desired outcome. The 1986 Immigration Reform and Control Act was the first major amnesty act that was granted in the United States. "The passage of the Immigration Reform and Control Act (IRCA) represented the culmination of years of social, political, and congressional debate about the perceived lack of control over the U.S. border." (Hing, 155)

The United States Immigration and Naturalization Service (INS) presented numbers of apprehensions of illegal immigrants at a very high rate. They were also

presenting estimates of from 4 to 12 million illegal immigrants settling in the United States because they assumed that if the apprehensions had increased, the settlement of illegal immigrants would have increased as well. (Rivera-Batiz, Sechzer & Gang, 18) These estimates alarmed the Congress and they began to propose legislation to curtail the influx of illegal immigrants in the United States.

In 1985, Senator Alan Simpson introduced an immigration bill called the Immigration Reform and Control Act of 1985 and it was passed by a vote of 69 to 30 on September 1985. However, the bill in the House of Representatives that was proposed by Congressman Peter Rodino, and cosponsored by Congressman Romano Mazzoli, called the Immigration Control and Legalization Amendment Act of 1985 was not voted on until one year later. (Rivera-Batiz, Sechzer & Gang, 20) When the bill was brought up in the Senate again on September 26, 1986, it was defeated. However, on October 15 of the same year, it was passed in the House by a 238 to 173 vote, and two days later in the Senate by a vote of 63 to 24. On November 6, 1986, President Ronald Reagan signed the bill to implement the Immigration Reform and Control Act. (Rivera-Batiz, Sechzer & Gang, 20) The Immigration Reform and Control Act of 1986 (IRCA) had four main provisions.

Employer Sanctions

The first provision was employer sanctions. These provisions targeted employers who knowingly hire illegal immigrants to work for them. One of the main lures for people to illegally enter the United States is employment. Employers are eager to hire illegal immigrants because they agree to do their work for lesser pay and without benefits, or because they agree to do jobs that Americans are not willing to do. The

employer sanction included in the IRCA prohibits employers from hiring illegal immigrants. Those who violate the law will be subjected to fines and penalties. They were required to fill in an Employment Eligibility Verification Form to prove that the employees were all able to legally work in the United States. (Rivera-Batiz, Sechzer & Gang, 20) The form required the employees to admit that they were legally allowed to work in the United States, and then the employer had to examine the employees' documents that verify their identity, and the legality of their working status in the United States.

Border Security

The second provision was increased enforcement in the borders. Most of the estimated illegal immigrants that enter the United States were thought to be from Mexico. The Select Commission made a comment that it “did not believe the United States should begin the process of legalization until new enforcement measures have been instituted to make it clear that the United States is determined to curtail new flows of undocumented/illegal aliens.” (Rivera-Batiz, Sechzer & Gang, 27) The IRCA stated that there should be an increase of enforcement in the United States borders in order to curtail illegal immigration as well as deter future illegal entry. The IRCA also had a mandate for the states' participation in the INS' Systematic Alien Verification Entitlement (SAVE) System. It is a system that instantly verifies the status of a person in hopes that it would prevent fraud.

Legally Authorized Workers

The third provision was the Legally Authorized Workers (LAW) program. The LAW program gave illegal immigrants a chance to have a permanent resident status, and

eventually a chance to gain citizenship, if they passed the various requirements. First, the illegal immigrants needed to prove that they have lived in the United States continuously before January 1, 1982, and had filed their petition for legalization at the beginning of the 12-month period for filling for amnesty. (Rivera-Batiz, Sechzer & Gang, 54) The illegal immigrants who met the requirements were then given a temporary resident status. After 18 months under a temporary resident status, they then enter a 12-month period in which they may apply for permanent resident status. Failure to apply or to prove that they have basic knowledge of the English language and American civics will result in the applicants' status will reverting back to that of an illegal immigrant. Those who pass the requirements will be allowed to apply for citizenship after 5 years. (Rivera-Batiz, Sechzer & Gang, 55)

Special Agricultural Workers

The fourth provision was the Special Agricultural Workers (SAW) program. The SAW program allowed illegal immigrants who have worked in agriculture to gain legal status. The requirement for this program was that the illegal immigrant must show they have been working for at least 90 days during the past year or at least 90 days for each year for the past three years in order to receive temporary permanent resident status. (Orrenius & Zavodny) They would be able to gain legal permanent resident status in one to two years. There was also a Replenishment Agricultural Worker (RAW) program created, in case the Secretaries of Agriculture and Labor thought that there was a shortage of workers in agriculture due to the employer sanctions. The RAW program will give temporary residence, and a chance to become permanent residents for agricultural laborers. (Rivera-Batiz, Sechzer & Gang, 23)

IRCA Failure

The Immigration Reform and Control Act of 1986 (IRCA) shows that immigration policies with amnesty are a temporary solution. The IRCA failed to produce the desired result of stopping illegal immigration into the United States in the long run. The IRCA was suppose to “wipe the slate clean” by providing legalization for illegal immigrants already residing in the United States. The employer sanctions and increased border enforcement were suppose to stop illegal immigration entirely. Early studies showed that the IRCA had deterrence effect on the flow of illegal immigration, especially in the U.S.-Mexico border. However, studies conducted after the first couple of years that the IRCA was implemented show that the IRCA ultimately failed to curtail illegal immigration in the long run.

The IRCA was able to deter illegal immigration in the early stages. According to a study, which used data collected from the U.S.-Mexico border, there was a decrease of apprehensions immediately following passage of the IRCA. (Orrenius & Zavodny, 2003) It would seem that the fear that amnesty would encourage more illegal immigration is not true, based on what the studies on this area have found, since there was a decrease in the flow of undocumented workers in the U.S.-Mexico border because of the large amount of Mexicans that were given amnesty through the legalization programs of the IRCA. In fact, there was a decrease of 30% to 40% in illegal border crossings for the years 1987 to 1988. (Bean, Edmonston, & Passel, 1990, p. 257) The total number of illegal immigrants in the United State also decreased because the IRCA managed to legalize 2.7 million illegal immigrants.

Another possible reason for the decrease of apprehensions may be that the IRCA may have discourage illegal entry because the people may have thought that it would be harder to cross, and get jobs with the new laws in place. One of the concerns of granting amnesty is the possibility that an amnesty would encourage more illegal immigration. It must be noted that the IRCA did not encouraged illegal immigration right after it was ratified, and it, decreased the amount of illegal immigration. (Orrenius & Zavodny, 2003) However, this cannot be said for what happened in the long run. There is also the fact that even though the amnesty had not encouraged rule breaking by illegally entering the United States, it had encouraged another type of rule breaking.

The IRCA gave 2.7 million illegal immigrants legal status. However, it is believed that not all the illegal aliens who would have been qualified for an amnesty applied for the programs, and that the amnesty program did not effectively “wipe the slate clean”. First, illegal immigrants who were qualified for legal status did not come forward due to the fact that they have family who are not qualified for the program. Secondly, the LAW program required the illegal immigrants to have continuous residency in the United States before January 1, 1982 until the year IRCA was implemented. Some illegal immigrants may have been visa overstays who were legal when they entered, but became illegal after their visa expired, and so were not able to file under the LAW program, because they were not considered as having a continuous illegal status. Thirdly, some illegal immigrants may have been wary of filing for the programs because they might have seen it as a trap to lure them out in order to deport them. The primary purpose of including amnesty in the IRCA bill was to give established illegal

immigrants in the United States legal permanent status, but because of the hurdles they had to go through some of them opted not to apply. (Hing, 1982)

One of the hurdles for applying for the legalization programs was presenting documentation to prove that the applicants had either been working continuously in agriculture or had continuously lived in the United States before January 1, 1982. It was difficult for illegal immigrants to acquire the proper documentation, and thus, some illegal immigrants who could have been able to apply for legalization had not done so because they could not get the documents. (Hing, 2004, p. 183) Because it was hard to acquire the proper documents, some have opted to use fraudulent documents to acquire amnesty.

“It is generally believed that vast fraud occurred in the SAW program because applicants had to submit only documents indicating that they had performed agricultural work in the United States during the relevant period, rather than documents proving their continuous U.S. residence since 1982 as required for the LAW program.” (Orrenius & Zavodny, 2003) There was an estimated 300,000 people who qualified for the SAW program, but there were more than 1 million SAW applications that were qualified. (Orrenius & Zavodny, 2003) The granting of amnesty had encouraged the use of fraudulent documents.

The IRCA had failed to curtail illegal immigration in the long run. “Apprehensions declined immediately after the passage of IRCA but then returned to normal levels during the amnesty filing period and thereafter.” (Orrenius & Zavodny) The amnesty provision that IRCA had did not work as well as they would have wanted because not all the estimated illegal immigrants were given legalized status, and some

illegal immigrants who did not qualify were able to gain the legalized status. However, it must be noted that it was not the amnesty provision that ultimately failed, the problem that really made the IRCA ineffective in curtailing the influx of illegal immigration is the lack of enforcement for the employer sanctions, and in the borders.

The employer sanctions and increased enforcement in the borders were the part of IRCA that was suppose to address the deterrence, and curtailing of illegal entry in the United States. One of the controversies regarding the employer sanction is that it may turn into discrimination against foreign workers. The employers would be cautious about hiring foreign workers because they might get a penalty if it turns out that the worker was an illegal immigrant. The employers can then be sued for discrimination. And so, the legislators worded the law so that the employer sanctions only required the employers to make a “good-faith effort to determine the worker’s legal status”. (Rivera-Batiz, Sechzer & Gang, 58) The employers had no need to check if the documents that the workers showed were authentic. This is counterproductive to the purpose of the IRCA, which is to reduce illegal immigration because the employers are not mandated to verify if the documents are authentic. This opens up the possibility of hiring illegal immigrants who used fraudulent documents. There were also problems with the increased enforcement in the borders.

The problem with the increased border enforcement, and the creation of employer sanctions was the lack of resources to enforce either. The IRCA had ordered at least a 50% increase in border patrol. However, “while this will increase apprehensions at the border, the deterrent effect on the illegal population may be minimal if the aliens continue to view the southern border as a revolving door.” (Rivera-Batiz, Sechzer &

Gang, 60) There were plans to expand the INS in order to accommodate enforcement but there were not enough resources. Also, the Department of Labor was suppose to be in charge of inspecting the employment eligibility forms, but there were no plans to expand the department to accommodate the extra work. (Rivera-Batiz, Sechzer & Gang, 60)

Due to the resources being stretched thin, the enforcement of the employer sanctions, and the borders were not as effective as it should have been. The likelihood of employers getting caught violating the sanctions is minimal because there are not enough people to check on them, so it would be easy for employers to avoid being detected. (Rivera-Batiz, Sechzer & Gang, 60) Thus, the lack of resources has negatively affected the purpose of the IRCA's employer sanctions, and increased border enforcement, which caused the IRCA to ultimately fail in curtailing illegal immigration. The grant of amnesty in the IRCA provisions was not the one that ultimately made it a failure. It was the lack of enforcement and planning. The IRCA was able to grant amnesty to 2.7 million people but failed to enforce the employer sanctions, and border enforcement which led to the continued influx of undocumented workers.

Why Amnesty May “Work”

Amnesties are usually granted along with employer sanctions, and increased enforcement to counter the fact that the government is going to allow mass legalization for people who entered the state illegally. It is also done because it addresses the two problems with illegal immigration which are, how to stop it, and what to do with those who are already here. It may be the fastest and the least expensive way to solve illegal immigration. There was a study conducted that looked at the estimated cost of a policy of mass deportation of the illegal immigrant population. They found that it might cost at

around \$206 billion in the course of five years, and could possibly go as high as \$230 billion. (Goyle & Jaeger)

Conclusion

From the analysis of the data available about the IRCA, it is clear that immigration policy with a grant of amnesty is only a temporary solution to illegal immigration. However, amnesty policies do not necessarily have to end in a failure. The IRCA failure can be attributed in part to the failed enforcement in the borders, and employer sanctions. If an amnesty policy is to be taken, the employer sanctions and border enforcement should be in effect and working before the legalization process is granted. Making sure that there are enough resources could ensure a much more successful attempt at curtailing illegal immigration, and it would prevent it from being a “band-aid solution” (C. Avitia, personal communication, April 18, 2007) like the IRCA had been.

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ILLEGAL IMMIGRATION : SOURCES OF ILLEGAL IMMIGRATION

Humanitarian Issues Pertaining to Chinese Illegal Immigrants in the United States

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Abstract

In America, there is a plethora of people from foreign countries that occupy the U.S. underbelly. United States inhabitants from China who have illegally immigrated into America have done so at great personal and financial risk. The Gross Domestic Product per capita for Chinese residents is estimated to be \$1,700, indicating great domestic poverty in China when compared to a production of \$42,000 annually per each American. In search of the American Dream, Chinese persons emigrate at costs of between 60 to 80 thousand dollars, placing each individual in large debt to be paid through servitude during and after the journey's completion. Those that are forcibly exported from China, comprised of 80% women and children under the age of 18, are largely traded internationally for sexual purposes. These travelers are transported by agents known as "Snakeheads," who utilize planes, freighted cargo ships, and neighboring countries as avenues for sneaking people into the U.S. American agencies have begun to work directly with Chinese enforcement agencies to apprehend perpetrators of human trafficking on both fronts, and the United States Congress has further defined the laws which punish those involved with slave-trade.

Introduction

America is a conglomerate. It is the Frankenstein of nations, consisting of bits and pieces of every culture, language, and race, with almost no trace of its original inhabitants. To be an American is to belong to a tradition of changing composition, with internal issues based primarily on how to satisfy its many factions and interests. China, a permanent staple on the earth's landscape, has survived through many transitions by taking a neutral approach to diplomacy, preferring to maintain its social purity by building walls, on the basis of perceived cultural and ethnic superiority. However, isolationism in a "global economy," a practice from which China has recently begun to emerge, has yielded unfortunate results for a large portion of its working class. Despite recent growth trends, many citizens are opting to illegally emigrate to the United States by any means possible, and the prevailing methods find adjectives such as inhumane, pestilent, and risky insufficient. One may surmise that the Chinese that choose to enter the United States illegally leave poverty to enter a life of slavery and servitude.

"Although the majority of illegal immigrants in this country come from Mexico, U. S. and Chinese scholars estimate that more than 500,000 Chinese have been smuggled into the United States since the late 1980s, making them the second-largest undocumented immigrant group" (Invisible Illegal). As for more official sources, in June 2006, the U.S. government estimated that between 600,000 and 800,000 people had been transported illegally around the world (New Global). Of these, around 80 percent of modern people living in servitude are female, with half under the age of 18 (New Global). "The Justice Department reported in 2006 that about 17,500 persons are trafficked into the country annually; in the late 1990s, the CIA put the figure at about

50,000” (New Global). These statistics create an awareness that not a large number of Americans possess, especially given that Mexican immigration issues are at the forefront of U.S. media focus, second only to war with Iraq. The unfortunate reality of these statistics, however, and this point must not be overlooked, is that what constitutes an illegal immigrant is that he or she is undocumented. Accurate quantities and percentages are unavailable due to the nature of the crime.

The question arises as to why, out of all the impoverished, third-world nations (China, by U.S.-appointed titles, is of the “Second-World” nomenclature), do so many Chinese seek refuge in America? Between 2001 and 2006, China’s exports have increased from just under \$300 billion to \$900 billion, with business enterprises spreading throughout East Asia and South America (Time Magazine). However, despite a 10% quarterly growth average for all of 2005 and half of 2006, the individual GDP per person was a mere \$1,700, compared to \$42,000 in the U.S. (Time Magazine). What this signifies is that rapid advances do not necessarily indicate long strides toward global equality. For a nation that houses 20% of the world’s population (Time Magazine), an average income of this low figure is telling of the internal struggle that exists for China. Many may blame this on the principles of neutrality and independence, paired with a socialist political and economic backbone. It is only logical that America, as its residents self-proclaim, by comparison solidifies its image as a land of capitalist opportunity.

How does a person successfully and legally emigrate to a land filled with entirely more promise, opportunity, and more specifically, employment, when well-entrenched in a state of poverty? The legal process for entering the United States for the purpose of

permanent residence is a process that can take years and be quite costly, which makes the prospect of emigrating through illegal means significantly more appealing.

Early Chinese immigrants had acquired the nickname “18k Travelers,” due to the average cost of \$18,000 per person to be illegally transported into the U.S. by smugglers nicknamed “snakeheads” (Invisible Illegal Immigrants). This cost has skyrocketed to \$70,000 per traveler, forcing a large monetary burden on entire families in exchange for exportation to America (Invisible Illegal Immigrants). “Half the fee is given to snakeheads as a down payment; the remainder is collected by smuggling networks when the immigrant ‘safely’ arrives in the U. S. Newcomers often hold several jobs and work 80 hours a week to pay off their debts” (Invisible Illegal Immigrants).

These conditions apply merely to those that are coaxed, often under false pretenses of job opportunities, to participate in the trafficking process willingly. However, one must not forget the other aspect of this black market. The Chinese Ministry of Public Security had officially declared that around 9,000 women and 1,000 children were kidnapped and subsequently sold illegally each year (HumanTrafficking.org).

Once a person has endured the numerous hardships involved with surmounting this large quantity of currency, the journey itself presents another, perhaps even more daunting set of challenges. There are typically three methods used for transport, sometimes used in conjunction with one-another (Human Smugglers). These methods are to cross the Mexican or Canadian borders into the U.S. after having arrived through miscellaneous means, flying directly into the United States through “transit points outside China,” and lastly, and perhaps more prevalently, through fishing trawlers or freighters in cargo bins (Human Smugglers). There are also many reports of intermediaries implicated

to have participated in the process of transport in countries such as Russia, Surinam, Thailand, and Cambodia, where Chinese settlements of sorts are established in which Chinese nationals find temporary work to settle their debts accrued by transportation costs (Human Trafficking). It is commonly perceived that the primary conductors of this trafficking are organized crime groups, due to the extreme difficulty presented by undertaking the transportation of hundreds of thousands of people, as well as arranging receipt of such persons (Human Trafficking). “In other words, human smuggling requires organizational responses rather than individual endeavors. What is not clear is the nature and characteristics of these smuggling organizations” (Human Trafficking). Recently, the U.S. Federal Bureau of Investigation (F.B.I.) estimated that human trafficking generates around \$9.5 billion in revenue for organized crime syndicates, and is connected to laundering, drug trafficking, and document forgeries. (Department of State, Section I)

Of the three main modes of travel, moving to the U.S. via freight cargo is the least humane strategy and can be the most life threatening. In April of 2006, port security at a Seattle cargo area noticed several Chinese nationals waiting next to the dock. (22 Smuggled) After the guards contacted the Department of Homeland Security, Immigration and Customs Enforcement (ICE) agents responded and found 22 Chinese in a forty-foot-long cargo container. (22 Smuggled) Officers were quoted to have said that an unbearable odor was emanating from the container. The contents were primarily “discarded food packages, blankets, and containers filled with human waste. In addition to food and water, the containers were outfitted with car batteries to power small portable fans and other items.” (22 Smuggled) This particular container was aboard a ship that

was traveling from Shanghai, but had made stops in Ningbo, Busan, and South Korea, with the minimum cargo transit period that each traveler endured being 15 days. (22 Smuggled)

What is known about these organizations is primarily of their chief execution agents, those referred to as “Snakeheads” in the Cantonese and Mandarin dialects. A main reason for the large sums each can bring into the United States is the knowledge that “if the migrants are caught, the odds are very low that they’ll actually be deported.” (Snakeheads) The current trend in illegal Chinese immigration is toward direct flights to the U.S. (which consequentially assists the migrant in avoiding temporary labor-force obligations in other countries), which involves the snakeheads arranging for Chinese to be included in “official business delegations to the United States,” facilitated by corrupted Chinese officials including several illegal immigrants with around 15 legitimate businesspersons. (Snakeheads) These snakeheads arrange marriages with U.S. citizens as well, who have attained full naturalization, so that illegal immigrant Chinese can take direct flights. (Snakeheads)

The snakeheads have also adapted to the legal processes of the countries with which they perform their operations.

Sometimes the snakeheads anticipate that clients who fly into the United States will be taken into custody by immigration officers when they arrive at American airports. In one case, a Chinese woman and her child were caught at John F. Kennedy International Airport in New York in April 2003. Her snakeheads expected that she would be held for no more than six months and then released from federal detention. They even planned to pick her up from the detention center so they could help her find work to pay

off the \$90,000 smuggling fee she had agreed to before she left China. (Snakeheads)

The Supreme Court decision prohibits Homeland Security Department from holding non-criminal illegal immigrants for more than 180 days in instances where the immigrant is not expected to be deported back to his or her country of origin, a fact which snakeheads have proven to be fully aware of. (Snakeheads)

The basis of no expectation of deportation rests with the fact that, specifically, Homeland Security in the U.S. must procure travel documents issued by Chinese officials before the immigrant may return to China. (Snakeheads) The bureaucracy of the Chinese government slows the process of acquiring such documents, with a response time of at least six months for a very small portion of detained illegal aliens (the exact statistic involves a group of 1,930 Chinese that were captured by Homeland Security as of October 1, and by the end of March, only 175 had actually been received by China). (Snakeheads) Aside from the moral problems caused, one must also be aware that in the 2003 fiscal year in the U.S., the 72,315 illegal Chinese immigrants detained cost the American government a documented \$31.2 million. (Snakeheads)

There are many conflicting pieces of “information” regarding the hierarchy and structures of snakehead operations. In the paper “Enter the Dragon, Inside Chinese Human Smuggling Operations,” authors Sheldon Zhang and Ko-Lin Chin state that though many claim the human smuggling business is highly organized, their study shows otherwise. Using a sample of 90 subjects, who were considered snakeheads by various loose definitions, many reported that it works by friendship-based clauses, relationships built on trust and familiarities, rather than positions or rank. Many interviewed had

testified that there were never any written obligations, contracts, or similar formal arrangements. They knew and trusted one-another, and there was never an act of violence between or amongst snakeheads, no matter how “unscrupulous” their tack may have been. The networks were described as more of a “task force” operation, rather than a business enterprise, in that each participant is committed to only one shipment at a time. The core conspirators were only comprised of about three or four people.

The article does, however, define eight different roles that are played by various snakeheads throughout the smuggling process. The first are Recruiters, who are close friends of the would-be migrant who connect them with the smugglers, and often have no further involvement. Secondly are the Coordinators, who basically “know the right people to make arrangements for a fee.” Next are the Transporters, who are obligated to transport the migrant to his or her destination after arrival in the United States.

Document Vendors are defined as individuals who are able to illegally produce documents such as passports for a fee of sometimes as much as \$10,000. The paper then identifies Corrupt Public Officials, who are generally law enforcement officers paid to ensure a smooth process when exiting or entering a country. Crew Members are employed to charter smuggling ships or even to work on them during transit. These are similar to Enforcers, who are in charge of monitoring the transit process by performing duties such as rationing food, water, and generally maintaining order. And lastly, there are Debt-Collectors, people who are largely U.S.-based and responsible for detaining the smuggled persons until their debts have been fully repaid. Often this is done in “safehouses.”

Once residents of U.S., the illegal work force in America poses a large problem. Labor agents and employers have honed their skills in keeping their illegal alien staff underneath the burden of slave-like labor. Tactics have been developed to extend servitude, which include changing the contracted conditions of employment which were agreed upon and signed prior to the laborer leaving his or her native country; withholding travel documents such as passports, airline tickets, and alien resident identification cards; withholding pay; indicating repercussions such as bodily harm; and imprisonment. (Department of State, Section I) The main human rights violations are defined in two separate categories by the Department of State. The first is “(the) abuse of contracts and local laws that govern the recruitment and employment of migrant laborers,” and the second is “the orchestrated placement of heavy costs and debts on these laborers in the source country or state, often with the complicity or even support of labor agencies and employers in the destination country or state.” (Department of State, Section I) The primary concerns with offenses of this nature is that they bind people to slave-like servitude, which contradicts many domestic and international laws. (Department of State, Section I)

An aspect of the trends in people-smuggling that at first glance may seem less consequential to those involved is “bride trafficking.” The Department of State has issued the following statement regarding China’s participation in this practice, stemming from social issues and population control:

A growing gender imbalance in areas of South and East Asia is increasingly driving the demand for trafficking victims. In China, although son-preference is a major factor behind skewed sex ratios, the country's one-child policy

and poverty also exacerbate the supply and demand for bride trafficking. Girls are often aborted and there have been reports that in some cases female infants have been killed at birth, causing men to outnumber women in some parts of the country by 117 boys to 100 girls. (Department of State, Section I)

Those women that do find themselves in “bridal” situations are frequently raped, sodomized, and neglected in terms of sustenance provided. Not only are the economic factors stifling, but cultural issues stemming from the limit of one child per couple, have left the daughters of China, in their inability to carry on a family name, relatively worthless to the families they are born to.

There are, of course, the large amounts of human suffering and health problems inflicted upon those who enter the realm of the sex trade. Complications arise pertaining to non-clinical abortions, gastrointestinal disorders, unhealthy weight loss, back pain, vaginal discharges (women), gynecological infections (women), lice, suicidal depression, alcoholism, and drug addictions. (Department of State, Section I)

The aspect that adds even more peril to those that suffer from such afflictions is that illegal immigrants are exempt from participation in non-emergency health care, and other forms of government assistance. This includes necessary medications such as Penicillin, or treatments, such as medical procedures to remove possible carcinogenic warts of the cervix caused by human-papillomavirus. Perhaps at the most rudimentary level, it is impossible for the “owner” of a sex-slave to add him or her to the owner’s health plan. This provided environment ensures that the captive will gain a large degree of dependency on the captor for illegal substances, or basic commodities. Should this state of forced servitude ever be escaped, the survivor must now face the very daunting

and almost impossible task of functioning within a foreign society with no viable skills, means for communication with most U.S. citizens, and substance abuse difficulties.

The United States strategies for combating the human trafficking, and therefore illegal Chinese immigration, have a focus on attacking the supply side, which includes the traffickers, and the demand end of the chain, which includes owners, consumers, and employers. (Department of State, Section I) The Supply end will involve alerting societies to the “dangers of trafficking, improve and expand educational and economic opportunities for vulnerable groups, promote equal access to education, educate people regarding their legal rights, and create better and broader life opportunities.” (Department of State, Section I) As for the traffickers themselves, the mission statement is to prosecute them and those who provide them assistance or government compliance, pioneer the end of “public corruption” that profits from trafficking, interrupt the routes through which trading and smuggling occur, create awareness of laws prohibiting trade and guidelines that determine what actions constitute illegal trafficking, and lastly, to identify and guide victims toward care. (Department of State, Section I) As far as demand is concerned, the expectation is as follows:

On the demand side, persons who exploit trafficked persons must be identified and prosecuted. Employers of forced labor and exploiters of victims trafficked for sexual exploitation must be named and appropriately punished. With regard to sex slavery, public awareness campaigns must be conducted in destination countries to make it harder for trafficking to be concealed or ignored. Victims must be rescued, rehabilitated, reintegrated into their families, or offered alternatives if unable to return to their home communities. (Department of State, Section I)

The legal response to Chinese illegal immigration has been primarily represented by the Trafficking Victims Protection Act (TVPA) of 2000, enacted October 28, 2000. (Attorney General) This act expanded on three existing aspects of federal policy regarding combating human smuggling, which were to provide new means for assistance to victims, further enumerated the descriptions and definitions of crimes while augmenting their penalties, and expanded United States involvement in international affairs to off human trafficking at the source. (Attorney General) Specifically, the U.S. made victims eligible for federal funding connected to health services and benefits, gave some forms of protection rights (as many are viewed as helpless, rather than opting to illegally emigrate from their homelands), sometimes making these benefits available to their families, and providing T non-immigrant status (receive benefits as aliens) for victims over 18 years of age that cooperate with federal officials in the arrest and detainment of those that orchestrate the trafficking. (Attorney General) Victims under the age of 18 automatically qualify. (Attorney General) Part of the reform provisions in the TVPA is also to monitor the progress of U.S. as well as foreign agencies in helping to eradicate smuggling of people, and provide assistance in formulation of laws against crimes against humanity. (Attorney General)

TVPA statutes have also extended to monitoring American activities outside the U.S. , as is described in the following text. In the 2005 United States fiscal year, the Human Smuggling and Trafficking Center provided legal assistance overseas in a case that involved an American citizen that had “purportedly engaged in sex tourism in China.” (Attorney General) Chinese and U.S. agencies shared information, with the U.S. supplying additional background information on the suspect, as well as an analysis of the

evidence presented, which led to a conviction after the defendant had plead guilty to the allegations. (Attorney General)

As a supplement to the TVPA, Congress, in April of 2003, passed the PROTECT Act (Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today). (Department of State, Section VII) The primary goal of the PROTECT is to protect children and punish those that would victimize the youth by making room for law enforcement officers to “prosecute American citizens and legal permanent residents who travel abroad and commercially sexually abuse minors without having to prove prior intent to commit this crime.” (Department of State, Section VII) Should the culprit be convicted, the punishment term for child sex tourists has been doubled to a 30-year prison term, formerly a maximum of 15 years. (Department of State, Section VII) Other provisions of the PROTECT Act included changing existing laws protecting children from sexual predators, not limited to an extending of “the statute of limitations for federal crimes involving the abduction or physical or sexual abuse of a child for the lifetime of the child; expanding potential reach of federal sex trafficking prosecutions by extending federal jurisdiction to crimes committed in foreign commerce; establishing parallel penalty enhancements for the production of child pornography overseas; and, criminalizing actions to arrange or facilitate the travel of child sex tourists.” (Department of State, Section VII)

China has begun to take a proactive role in the eradication of the inhumane practice of slave-trading. In the notorious provinces in which high instances of enslavement or recruitment of women and children occur, police officials, the courts,

civil departments, news media, Women's Federation, trade unions, and the Communist Youth league make concerted and coordinated efforts to combat all aspects that involve or lead to persons entering forced servitude. (Human Trafficking) Among the strongest champions of the cause are the women's groups, who have taken it upon themselves to create awareness amongst illiterate women, a demographic that has a high instance of recruitment due to lack of education and poverty. (Human Trafficking) They raise money to hold seminars and training courses, as well as produce pamphlets and other printed items, one being the "Anti-Trafficking Manual" devised by the All Women's Federation and the Ministry of Justice. (Human Trafficking) Non-Governmental Organization representatives also continue to provide monitoring services to women and children that are in the recovery process (sometimes perpetually), and promote acceptance of their plight in the local community. (Human Trafficking)

Even the U.N. has begun to address this issue, a development not surprising given its composition. According to the United Nations Office on Drugs and Crime, "human trafficking poses a host of problems for sustainable development and the rule of law." (Small Victories) Such problems include the corruption perpetuated by the profits involved, even sometimes supporting terrorism (Small Victories). Impoverished nations, or nations that have impoverished states or principalities such as China contains, not only house most of the supply of those traded, but a consequence of such poverty is that they lack the funding to provide assistance and rehabilitation for their victims. (Small Victories) As an aside, it has been acknowledged that there is a growing spread of HIV and subsequently AIDS amongst those trafficked into prostitution situations, which becomes an issue of global epidemics.

Chinese illegal immigrants are differentiated from the leading illegal alien demographic in the United States due entirely to the process through which one must pass to enter America. Many other illegal immigrants find themselves without any debt to repay, as entering through a neighboring country can be performed as an individual, rather than with a network. The Chinese culture has not been entirely accepted in America as they were never major occupiers of this land. Asian languages are also greatly differentiated from Latin-based English and Spanish, and having an Asian language as the native language, and attempting to adopt a Latin-based language may be very difficult. However, many problems are similar, such as exacerbation of public health benefits and failure to contribute to the government economically.

No matter what the financial repercussions of Chinese illegal immigration may be, they are far overshadowed by the human injustices exercised by the process of their arrival. It is not unlike drug trafficking, in that where there is demand, there will be supply. So long as China remains in turmoil, and its residents wish to leave, so will exist those looking to take advantage of these passengers. So long as Americans seek to pay for virtual sex or labor slaves, someone will look to supply them for a hefty fee. To cut off the demand will eradicate the supply, but this seems to be a task of changing the nature of some humans. Unfortunately, the larger the quantity of illegal Chinese immigrants transported into the U.S., the stronger the connections amongst snakeheads and the family ties between American and Chinese residents become. The only real way to end the smuggling between China and the United States is for China to gain a comparable global stature, and for the social mores that devalue Chinese girls to be

resolved. But, after this is accomplished, there will be more third-world countries with residents anxious to export human servants.

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SOURCES OF ILLEGAL IMMIGRATION:

RUSSIA

By Vanessa De Los Reyes

Background

Arranged marriages are not a new phenomenon and, in fact, still prevail in many cultures. The development of this practice in the West has been rather recent, however, particularly in the form of mail-order bride industry, international marriage brokers, or international matchmaking organizations. It has been even more recently that Russian women have become an important part of the phenomenon, most notably since the collapse of the Soviet Union (USSR) in 1991. Since then, the socio-economic conditions of Russia and other former Soviet countries have deteriorated to an alarming extent. Women are particularly affected by these conditions due to strong patriarchal traditions in countries like Russia.

According to Donna M. Hughes' analysis of sex-trafficking as a supply-and-demand trade in an essay titled *Supplying Women for the Sex Industry: Trafficking from the Russian Federation*, a variety of conditions in Russia contribute to trafficking, such as "the economic collapse and the inefficient state, unemployment that disproportionately affects women, increased organized crime..., ignored sexual violence against women, and promotion of Western glamour, which nourishes unrealistic expectations." A case study drafted by Valerie J. Chittenden in 2000 and published by the Trade Environment Database (TED) Projects argues that men in Russia are still preferred for employment

over women, even if they are less qualified³. Consequently, women earn an average of 43% less than their male counterparts⁴. Preference for male workers has the additional consequence of high rates of unemployment among Russian women, estimated to be about 75 percent.⁵

Furthermore, Russia is rapidly becoming depopulated due to several factors: the deficient health system and increasing incidence of heart disease; industrial pollution; one of the highest rates of suicide and alcoholism in the world; the fast-growing AIDS epidemic; the increase in abortions; and reported ten million Russians of reproductive age that are sterile⁶. The average life expectancy of Russian males is currently 59 years of age, which is far below other industrialized nations (Table 1). These factors have collectively led to the loss of an average of 700,000 Russians annually since the collapse of the Soviet Union, the majority of which have been males⁷.

Under these circumstances, Russian women experience immense pressure to marry, and it is no wonder that they seek foreign men for marriage in hopes of increasing their standards of living. According to Chittenden, Russian women reported a preference for American men because they are perceived as having less vices and a bigger tendency to settle down and create a family when compared to their Russian counterparts.

American men, on the other hand, seem to prefer Russian women to American women because they are regarded as more feminine, less career-oriented, and less materialistic.

³ Goscilo (1996)

⁴ Hughes (1999)

⁵ Goscilo, 10.

⁶ Murphy (2006).

⁷ Ibid.

The mail-order bride industry has increased tremendously due to the arrival of the Internet, which has broken down communication boundaries. This has led to a growth in the number of international matchmaking agencies. According to Chittenden (2000), there are over six hundred Russian mail-order agencies operating on the Internet. According to an INS report cited by Chittenden, 51% of mail-order agencies in 1998 were for women in the former Soviet Union. Therefore, Soviet women seem to constitute a substantial number of the mail-order brides (MOBs) in the industry.

Although there is limited data available regarding how many marriages occur annually involving Russian mail-order brides and U.S. citizens, the United States Citizenship and Immigration Services (USCIS) estimates the number to be from 2,000 to 5,000. This means that between 1.5% and 2.7% of the 132,000 female spouses that entered the United States did so as mail-order brides. In 1997, 21% of all immigrants were spouses of U.S. citizens, of which women constituted a significant number. However, the USCIS does not gather any specific information via the immigration forms and procedures that U.S. citizens (USCs) and lawful permanent residents (LPRs) must complete in order to petition for their spouses or fiancées. Therefore, the USCIS has very limited knowledge regarding the issue of mail-order brides (Chittenden, 2000).

According to Tatiana Osipovich (2005), the estimate of marriages between foreign women and American men range from 4,000 to 6,000 yearly. These women constitute 0.4% of total immigration to the U.S. and less than 4% of immigrant female spouses.⁸ Osipovich asserts that Russian mail-order brides make up a rather insignificant percentage of immigration to the United States. Russian MOBs are at the center of the

⁸ U.S. Citizenship and Immigration Services (USCIS). "International Matchmaking Organizations: A Report to Congress". Washington, D.C., 1999.

issue due to the media attention they have generated, and not so much because they dominate the industry (231). However, one could argue that the gross lack of data regarding the issues of both legal and illegal immigration, as they relate to the MOB industry, hides the real extent of this type of immigration from Russia to the United States as well as the incidence of marriage fraud involved.

Furthermore, the Immigration and Nationality Act (INA) allows U.S. citizens and permanent residents to petition for their non-citizen spouses to join them in the United States and become permanent residents. However, many of these spouses are already located in the United States with non-permanent immigration status. According to a 1999 report to the Congress⁹, a large proportion of the annual count of total immigrants to the United States is comprised of these immigrant spouses. Based on the data from the 1997 fiscal year, 170,000 of the total 796,000 immigrants were the spouses of USCs, and 32,000 were the spouses of LPRs, resulting in a total of more than one-fourth of all immigration, the majority of which were women. When added together, the total number of women immigrating through marriage comprised 66% of all immigrant spouses (Table 2).

The authors of the book Mail-Order Brides: Women for Sale, (Glodava and Onizuka, 1994) allege that one of the best indicators of mail-order marriages is the number of K1 or fiancée visa applications. These are issued by the USCIS to foreigners entering the United States with the intention of marrying an American citizen within 90 days (9). It has been reported that from the late 1970s to mid-1985, the number of petitions for K1 visas increased from 60,000 to 140,000. It was later discovered by the

⁹ Refer to the section titled "International Matchmaking Organizations: A Report to Congress (1999)" below for more information.

USCIS that, in five American cities, 35% of the marriages of this type were fraudulent¹⁰. Unfortunately, more current data is needed, but these figures can serve as an indication of the incidence of fraud in marriages between foreigners and American citizens, and which is likely to exist between Russian women and American men as well.

Lack of information regarding the MOBs industry is especially worrisome given the phenomena of sex trafficking and spousal abuse to which Russian women are vulnerable. This vulnerability is in part due to the language barrier that Russian women experience; lack of knowledge of immigration laws and procedures; and isolation from families and friends.

Legal Issues

In the last two decades, provisions have been included and passed in several legislations as a result of a growing concern regarding fraud and abuse in mail-order marriages. These include the Immigration and Marriage Fraud Amendment (IMFA) of 1986, the Immigration Act of 1990, and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996.

The Immigration and Marriage Fraud Amendment (IMFA) of 1986 and the Immigration Act of 1990 have created fundamental changes in the immigration process. The main purpose of IMFA was to prevent fraudulent marriages- including transactions involving MOBs- by imposing a two-year waiting period for obtaining the permanent residence status, while the Immigration Act of 1990 modified the process by which foreign nationals are admitted into the United States (Glodava and Onizuka, 6).

By 1985 there was a significant concern regarding marriage fraud and the MOB business for the USCIS (the Immigration and Naturalization Services- or INS- at the

¹⁰ McQuay (1987).

time) “to request that Congress grant statutory authority for a limited standard.”¹¹

Consequently, Congress passed the IMFA, which allowed the USCIS to impose a two-year Conditional Permanent Resident (CPR) status on an alien resident seeking permanent resident status, and required that the marriage be in existence at the end of that two-year period. This was designed to halt the increase of cases in which aliens enter into a marriage with a U.S. citizen for the sole purpose of circumventing immigration laws.

Lisa Anne Simons, author of the article *Mail-Order Brides: The Legal Framework and Possibilities for Change*, argues that the IMFA “[vilifies] the aliens believed to be exploiting generous U.S. immigration laws by deceitfully marrying unsuspecting U.S. citizens” (133). Immigration scholars have argued that, although immigration laws are supposed to be neutral, the IMFA were driven by the media attention given to MOBs and, therefore, have had a disproportionately high impact on foreign women.¹² Furthermore, the two-year conditional status perpetuated the inequities of the IMFA for alien spouses because it tended to “prolong bad marriages, reward unreported domestic violence, or force newlyweds to separate or relocate to a foreign country” (Glodava, 87). In Response, Representative Louise Slaughter and Senator Mark Hatfield sponsored the Immigration Reform for Battered Spouses (H.R. 2580) bill, which would allow abused alien spouses to file for permanent residence without the need to remain in the abusive marriage until the end of the conditional two-year period. This amendment became part of a larger bill, the Family Unity and Employment Opportunity Immigration Act of 1990 (H.R. 4300), which was approved by Congress and signed by

¹¹ Simons, 133.

¹² Ibid., 134.

President George H.W. Bush as part of the Immigration Act of 1990. However, Glodava argues that the standards for proving abuse are impossibly high (87).

The most recent legislation that has had an impact on the MOB's industry was passed by Congress in 1996 as the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Section 625 of this law specifically addresses the mail-order bride industry. It responds to the fact that there are a number of these agencies that operate in the United States and derive much profit from their activities¹³ and addresses the fact that there is a significant lack of data regarding this industry despite the estimated 2,000 mail-order marriages that take place each year.¹⁴

Under this provision, international matchmaking organizations operating in the United States must provide information to the prospective foreign spouse- in his or her native language- regarding immigration and naturalization, battered spouse rules, the penalties of marriage fraud, and a warning regarding the danger of matchmaking organizations due to the lack of regulation. Violation of any of these requirements can result in a fine of up to \$20,000.¹⁵ However, such fines may be inadequate and ineffective given the estimated revenues of this industry, which range in the millions of dollars. Furthermore, given the lack of information about the extent and operations of the industry, there are no guarantees that most violations will be discovered and recorded, much less punished.

¹³ Estimated \$2 million in revenues yearly according to: Checkoway, J. "Ordering Brides on the Web: Old Business, New Source." *New York Times*. 7 June, 2002.

¹⁴ Chittenden, (2000).

¹⁵ *Ibid.*, 9.

The law also required that the U.S. Attorney General, in consultation with the USCIS and the Department of Justice, conducted a study¹⁶ of marriages arranged by international matchmaking agencies to examine the incidence of fraud and abuse, and to report to the Congress with its recommendations. The study “sought to review the applications for immigration benefits filed with the INS for evidence of any correlation between the marriages resulting from mail-order businesses and either domestic violence or marriage fraud.”¹⁷

International Matchmaking Organizations: A Report to Congress (1999)

The report includes quantitative data from INS records regarding the number of marriages between USCs or LPRs and foreign-born women recruited by international matchmaking businesses, as well as evidence of marriage fraud.

The report concluded that over 200 international matchmaking organizations operate in the United States and advertise between 100,000 and 150,000 women annually, most of whom are from the Philippines and the Commonwealth of Independent States (CIS), especially from Russia and the Ukraine.

Regarding the number of mail-order bride marriages, the report estimated¹⁸ that the mail-order bride business accounted for 1.5% to 2.7% of the 132,000 female spouses who entered the United States in 1997. However, the sample used to calculate such estimates was so small that the result may be statistically invalid. According to Professor Robert J. Scholes, who was cited in the study, as of 1996 the number of annual marriages

¹⁶ U.S. Citizenship and Immigration Services (USCIS). “International Matchmaking Organizations: A Report to Congress”. Washington, D.C. (1999).

¹⁷ Ibid., 2.

¹⁸ Could not calculate due to the absence of official information.

resulting from mail-order agencies ranges between 4,000 and 6,000. Professor Scholes attributes a growth in these marriages to two factors: the rapid growth of the industry due to the incorporation of women from the former Soviet Union and the growth of the Internet “e-mail” and “pen-pal” clubs (12).

Regarding marriage fraud, the INS estimated that the rate of marriage fraud is eight percent. However, the accuracy of such estimate is unknown. In the 1994 fiscal year, the INS reviewed 93,033 applications for removal of the two-year conditional status to acquire permanent status. Of these, 717 were denied for cause and 266 of those (or 37%) were foreign spouses of USCs or LPRs. The INS estimated that a minimum of 4% and a maximum of 9% of these marriages were facilitated by international matchmaking organizations. After further examination, the INS estimated that 1% of these 266 cases were both arranged through matchmaking agencies and fraudulent. Thus, the study did not prove a significant correlation between the mail-order bride industry and marriage fraud.

Analysis

Opinions regarding mail-order marriages vary drastically. On one hand, one can argue that the mail-order bride business is a personal ad service used by consenting adults. In 1989, the Swedish government commanded an investigation of the mail-order bride business and concluded that matchmaking organizations cannot be blamed for any abuse that might take place in a mail-order bride marriage because they are only providing a service that facilitates acquaintances. On the other hand, one cannot deny that the mail-order bride industry is at times used for the purpose of trafficking women and committing marriage fraud.

According to a documentary produced by the former Global Survival Network (GSN), a nonprofit and nongovernmental organization based on Washington D.C., and which is cited in the 1999 INS report to Congress, many mail-order bride businesses are used as a front to recruit and traffic Russian women for the sex industry in many industrialized countries. GSN reported that traffickers had become interested in sending women to the United States because fiancée visas were relatively easy to obtain. The GSN estimated that 200 mail-order bride agencies arranged between 2,000 and 5,000 marriages in the United States each year. The GSN also estimated that at least eight of the mail-order bride agencies that were based on the United States at the time operated in Moscow alone.¹⁹

Although the 1999 Report to Congress does not prove a correlation between the mail-order bride industry, marriage fraud, and illegal immigration, it does demonstrate the absence of data regarding the industry and the need for its regulation. Even though matchmaking businesses are not legally prevented from conducting business or bound to regulation in the United States, they are still “accountable for violations of Federal criminal statutes if they are involved in marriage fraud or trafficking of women.”²⁰ Yet if the data remains inadequate, ignorance regarding the possible violations U.S. laws and the abuse of women will persist.

Conclusion

The mail-order bride industry has increased significantly since the collapse of the Soviet Union and the growth of the Internet. The economic conditions in Russia and other ex-soviet countries have deteriorated rapidly and the burden has fallen primarily on

¹⁹ Ibid., 3.

²⁰ Ibid., 18.

women, thus creating a climate in which marriage to Western men seems like one of the few avenues of escape. As a result, Russian women have entered the mail-order bride industry in large numbers, leading to its growth. The Internet has facilitated this growth by tearing down the barriers of communication and providing a far-reaching and unregulated domain in which matchmaking agencies can operate.

Much attention from both the public and governments has been directed to the mail-order bride industry and to the possibility that it may be contributing to immigration fraud and spousal abuse. While concerns regarding the incidence of immigration fraud and domestic violence in marriages involving foreign spouses are well-founded, the data collected by federal agencies like the USCIS does not establish a correlation between the mail-order bride industry and these problems. However, absence of evidence does not signify the absence of a problem.

Legislation could be implemented to ban mail-order agencies altogether, but this would most likely fail to abate the industry. Matchmaking agencies could simply market themselves as pen-pal or e-mail clubs in order to circumvent the laws. Furthermore, the USCIS cannot discriminate against the manner in which couples meet. However, Chittenden proposes that legislation could be implemented in order to make marriage to a mail-order bride “cost-prohibitive” and, thus, cause a decrease in the industry. The problem, however, is that the federal government does not require that such information even be included in immigration forms. Ultimately, what is needed is transparency on the part of matchmaking agencies and their customers. Legislation should be implemented with the purpose of making mail-order bride organizations operating in the United States subject to monitoring, regulations, and mandatory reporting.

Table 1

Comparison of Male Mortality by Country

	Life expectancy at birth (2004)	Probability of males dying between 15 and 60 years of age
Japan	79	9.2%
Australia	78	8.6
Germany	76	11.2
United States	75	13.7
Mexico	72	16.1
China	70	15.8
Lebanon	68	19.8
Russia	59	48.5
Afghanistan	42	50.9
Sierra Leone	37	57.9
Zimbabwe	37	85.7

Source: The World Bank.

Table 2

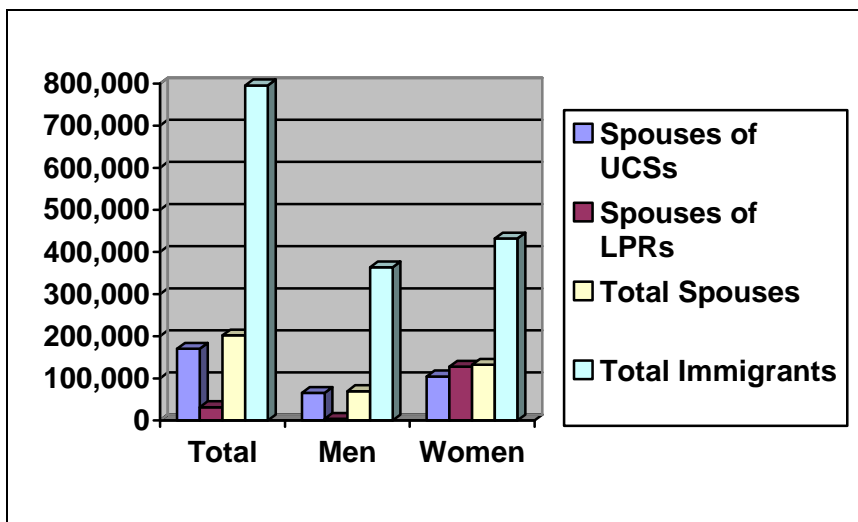
Immigration of Spouses by Gender and Selected Category

	Total	Men	Women
Spouses of UCSs	170,226	65,607	104,619
Spouses of LPRs	31,576	4,047	127,529
Total Spouses	201,802	69,654	132,148
Total Immigrants *	795,635	363,690	431,947

Source: U.S. Citizenship and Immigration Services (USCIS). “International Matchmaking Organizations: A Report to Congress” (1999).

* Excluding 2,548 immigrants who adjusted status during the provisions of the Immigration Reform and Control Act of 1986 and 195 immigrants whose gender was not recorded on the electronic data file.

Figure 2.1: Graphic representation of Figure 1.



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AFRICA AND ILLEGAL IMMIGRATION

by Amanda J. Baker

ABSTRACT

Illegal immigration is a profound problem here in the United States. Immigrants come from every part of the world, even Africa. In this paper I will attempt to answer the question of why do African immigrants come to the United States? Many African immigrants come to America in search of a better life where they can escape poverty, political oppression, and economic problems in their homelands. Not only do many African immigrants travel to America, but they tend to overstay their visas, which classifies them as illegal immigrants. Immigration is a problem here in the United States and one way of attempting to solve this problem is to understand the root of why are these African immigrants coming to America and stay illegally.

INTRODUCTION

In Africa many conditions result in poverty for citizens, such as economic, political and social welfare deficiencies. Poverty is a main concern in Africa because a large part of the population does not live in proper housing, have medical care or possess the resources in order to prevent malnutrition. Due to these social conditions, diseases are abundant in Africa, and even though there are simple vaccinations, they are not available to most citizens. Many of the people who are afflicted with these diseases die, which leaves families without mothers and fathers and causes even further poverty in the population. Economically Africa has been stripped of its resources, and can not find a

solution to recover. Many African nations are run by regimes with corrupt politicians, or military governments, which has often led to civil wars. Many African illegal immigrants come into the United States on student or personal visas, and become illegal when they overstay. African immigrants come to America to escape the economic, social, and political conditions that Africa is currently going through in hopes of a better life for themselves and their families (Arthur, 2000, p. 7).

AFRICAN ILLEGAL IMMIGRANTS IN THE UNITED STATES

The United States, the home of the free, is where anybody, despite what living condition or past life they had, can be somebody successful through hard work. This is the motto that the United States (US) was built on, a place built by colonists and immigrants that has become one of the leading nations in the world. Residents of many impoverished nations, such as those in Africa, believe that if they come to the United States there is a window of opportunities that is not granted to them in their homeland. In America there are 881,300 African born immigrants, as of the year 2003 out of a total US population of 301,909,602, this constitutes for less than one percent of the total US population (Census.gov). Getting to the United State is the main obstacle. After African immigrant secure their arrival here in the US, many of them tend to overstay while others leave when their time is up and return home (Abraham, 1995, p. 33). Even though America was built by colonist and immigrants there are still many rules and restrictions setting limitations on who can enter the United States and how long they may stay here. Illegal immigrants find ways to break immigration rules and stay here in America with hopes for a better life (Wasem, 2004).

Many African professionals and their families came to the United States in the late 1970's when Africa's economic and political crisis reached its peak. Over seventy percent of African immigrants in the United States say that the main reason they came to America was to pursue a higher education (Arthur, 2000, p. 10).

Arrival in the United States

African immigrants end up becoming illegal immigrants in the US by mainly by overstaying their visas. Many come here on visitor's visas which limit the time that you can stay in the US, while others are students. It is easier for students to stay in America longer because they are here to study. After all of these African immigrants visas expire many of them just stay here, in America and apply for citizenship. There are millions of illegal immigrants in the United States most of them concentrated in California, Florida, and New York. It would be nearly impossible for the US immigration service to monitor every immigrant that enters the United States and make sure that they exit the United States at their proper time. This leads to many illegal African immigrants staying here in America anticipating approval for legal residency (Greico, 2004)

Life in the US as an immigrant

As an illegal immigrant in the United States, there is always the fear of being deported back to Africa. Therefore many illegal African immigrants do work for people under the table, meaning that instead of getting a paycheck they receive cash for their work. Family is a major part of African culture, and if an African immigrant is illegal here in the United States, he/she cannot leave the country and visit their family in Africa, since it might not be possible to return because of their illegal status. Since illegal immigrants do not have proper paperwork such as a social security number or a green

card, necessary to get a job, illegal African immigrants are unlikely to get the jobs for which they are qualified. Being an illegal immigrant is a harsh lifestyle because they do not have the same perquisites and accesses to all the economic resources that legal residents and citizens have (Arthur, 2000, p. 93). Many of these illegal immigrants apply for citizenship in hopes of becoming a United States citizen, but the process for becoming a citizen is tedious, expensive, and many immigrants do not have the money (Wasem, 2004).

Overview

African immigrants who come to the United States already go through a tedious process to get here, such as applying for a visa; or taking extreme measures if they can not get a visa, such as paying people to sneak them into the United States. When accomplishing the task of entering the United States there are still many more obstacles to overcome as an African immigrant, such as what to do when your visa expires. Although not every African who comes to the United States overstays their visa, some do thereby making them illegal immigrants. If you choose to become an illegal immigrant there are hardships that follow, such as employment difficulties due to not having the proper paperwork for hiring despite your capabilities; family issues, such as how can you get your family here to America when you yourself are an illegal immigrant? It takes time and money to become a legal resident, which many immigrants do not have due to the cycle of being unable to find good paying jobs because they do not have green cards, and often have a language barrier. Although being an illegal African immigrant in the United States is difficult, hopes and dreams are what keep these illegal African immigrants here in the US (Greico, 2004).

POVERTY IN AFRICA

Africa is the world's second largest continent (next to Asia), covering 30.3 million kilometers squared of land. The approximate population in Africa is 888 million people. Poverty is a huge concern in Africa, where more than 218 million people in Africa live in extreme poverty. Over seventy percent of Africa's poor population lives in rural areas where they depend on agriculture for food and livelihood. The parts of Africa where poverty is most persistent are Eastern and Southern Africa that consists of mainly rural poor people. Poverty in Africa is increasing faster than the population (Abraham, 1995, p.13).

Causes of Poverty

Land degradation is a huge problem in Africa. Since many of the poor people in Africa depend on agriculture to live, land is a necessity to them. The land has been torn apart and ruined because of intensive agriculture, deforestation and overgrazing, which is threatening the livelihood of many poor people. The land has been stripped of its valuable nutrients because traditional intensive agriculture does not provide for crop rotation and other modern techniques of farming. Because they are poor, they do not have an education to learn how to manage grazing and farming the land. Instead they work with what they have to sustain their agriculture land, which causes land degradation and a drop in productivity, which leads to starvation and the further increase in poverty because crop yields can not be sustained (Akokpari, 2005, p. 132).

Malnutrition is another problem occurring in Africa. Since many of the poor people in Africa depend on agriculture to sustain their life, and do not have access to grocery stores and other sources of food, when the land is ruined it decreases access to

food which in turn causes malnutrition, especially in children. A poor diet leads to inadequate growth in bones and other organs, making children less healthy and more prone to illnesses. African children who live in poverty do not get the proper nutrition. Many of them suffer from the effects of malnutrition because they do not have food, sometimes leading to starvation. Even when Africans who live in poverty do have access to food it still is not that nutritious, because of the worked-out land and inadequate irrigation. Even though malnutrition is a treatable condition, the poor population does not have sufficient access to doctors who can treat this condition and help prevent it (Masci, 2002, p. 925).

Access to clean water also is a problem for impoverished people in Africa. In many of these poor communities there is no fresh water available, or it requires an arduous trip to obtain it and carry it back. Many African that do know where there is running water to drink, will send their children to get it from the stream, which could be miles away from their home. The children, or whomever fetches the water, will then carry it back in a heavy bucket, and that meager water supply has to provide for the whole family. Many times this water is unsanitary and carries diseases, such as cholera. Because there is no plumbing or running water in these villages, they are unsanitary. Many poor families have no toilets so they just dispose of their waste outside, and some into the same streams that are also their water source. Also there is no landfill so when disposing of garbage many poor villagers just throw it within their living areas (such as outside their house) or outside of their village. There is no way to properly dispose of all this waste, which causes more diseases to be abundant. Not only is access to water a necessity for every human being to survive, but its absence causes difficulties in

irrigating crops. Forty percent of the African population does not have access to safe drinking water and sanitation (Maschi, 2002, p. 933).

Not being able to dispose of waste safely, and not having running water leads to unsanitary living conditions. In these impoverished areas, they do not live in decent housing, but instead in shacks with their entire family, and sometime two families. The basic necessity of shelter is not a procession of Africans who live in poverty. Children do not have proper clothing, such as good shoes to protect their feet. Their play areas are often near the garbage pits or disposal areas, enhancing the dangers of playing barefoot. These unsanitary living conditions lead to health problems and disease (Maschi, 2002, p.935).

If proper health care were available in Africa nations this would contribute to ending poverty. Improved health care could help productivity and extend the life span of people in Africa. Many of the doctors who do try to help the poor in Africa are from other nations who come there as aid workers to try to lessen the incidence of malnutrition and disease. Every year throughout the world more than 11 million children die due to inadequate health care and preventable diseases. More than fifty percent of the African population does not have access to modern health care facilities. This contributes to the high level of maternal, child, and infant mortality. By 2010, 20 million children in Africa will have lost their parents to HIV/AIDS (Arthur, 2000, p. 21).

All of these components of poverty lead to immigration because Africans want a better life for themselves and their families. Africans have to arrange their immigration to the United States independently, and with little access to hard currency, such a trip is

very difficult. Although they are in desperate need of help, Africans are one of the smallest portions of immigrants that come to the United States (Abraham, 1995, p. 49).

ECONOMIC PROBLEMS IN AFRICA

Many people migrate to the United States due to the economic conditions in Africa. A large proportion of the immigrants who arrive in the US from Africa come here for an education. These foreign students have received the basic education available in their homelands, but they have dreams of pursuing a higher education level, such as college and graduate school. In Africa, economically the country is not doing to well, they do not have many resources that they can trade amongst other nations in order to build up their economy (Akopari, 2005, p.128).

Agricultural stagnation and deforestation along with drought have led to low food production in Africa. Agricultural production is shrinking due to weather, aging farmers, falling world commodity prices, lack of agricultural machines, and poor marketing and distribution systems. This results in a farmer only creating enough food to feed the family. Economic and industrial development has been restricted by lack of capital because Africa is dependent on Western capital. Lender nations also require structural adjustments as a precondition for aid. Africa is in need of assistance, but still has to hold up their end of the bargain, which causes more political and economic problems for countries with few resources and many problems. (Abraham, 1995, p.53).

Resources

Africa use to be a rich continent filled with valuable natural resources that could be used for trade, but every time one of these resources is found the area is inundated with new population that exceeds the new production values. For example, the oil found

in Nigeria caused thousands of Africans to flock to Nigeria in hopes of becoming part of this new found oil boom, and in the 1970's there was an oil price shock. Another natural resource that has been stripped from the heartland of Africa is ivory. Elephant tusks have ivory, therefore thousands of elephants are killed for their tusks so that poachers can sell it on the black market. The lack of capital makes it difficult for African nations to develop economically, which leads to a desire to emigrate to find well paying jobs and stability. Even if, when African immigrants come to America, they can not find the high corporate job that they dreamed of, still they find other jobs because there are jobs in the US that Americans do not want, but Africans do (Greico, 2004).

The majority of Africans who come to America want to pursue an education, because they know an education will lead them to getting paid a higher amount of money in the future. Over 70% of African immigrants go to school when they get to the US. Not all of them finish school due to financial problems, and language barriers. The immigrants that do not pursue a higher education end up entering the labor market, and are happy to be making an income that they would not have if they were in Africa. For the immigrants who do complete a higher education, most of them prefer degrees in business, law, and engineering, even if their education in Africa was in the arts or humanities, because they believe it will help them get better jobs in the US (Greico, 2004).

In Africa every day 10,000 women and men join a work force where the average income is one US dollar every day. Most of the work in Africa is of a near-subsistence nature, with more than eight out of ten workers in the economy receiving low pay, experiencing low productivity and having low protection. Education and economic

opportunities are the top two reasons for African immigrants traveling to the United States, and are also the reasons why they overstay their visas, and some Africans become illegal immigrants (Arthur, 2000, p.45).

Efforts have been made to attempt to solve the problems of trade issues in Africa. Such as the African Growth and Opportunity Act (AGOA), a United States trade act, was created to enhance the US market trade between 38 African countries and the US. Some of the traded items from Africa to the US are apparel and footwear, wine, motor vehicle components, agricultural products, chemical, and steel. Since March 2007 the United States has exported \$3,111,144 to the 38 countries in the AGOA, and the total exports to the US are \$13,742,597. Programs like this help ease trade problems in Africa for certain countries, but not for the entire continent (AGOA. info).

Education and professionals

In Africa there was an economic recession in the 1970's, making national economies incapable of supporting its professionals. Social facilities and amenities ceased to exist. A majority of the African immigrants that come to the United States are educated, they consist of 86% of African immigrants. The average African immigrant attempts to pursue an education, and after their studies are completed, the United States has certain immigration laws that make it easier for students in selected fields of training to become legal residents, while opportunities for other African immigrants are denied because they fail to meet the skill test. It has been said by many Africans that the reason why their economy is so inefficient is because of the brain drain of Africa's talents, which consist of professionals and those who seek postsecondary education with marketable skills leaving Africa and coming to the United States (Abraham, 1995, p.84).

The labor market and economies of Africa are not able to sustain employment for college graduates, which has resulted in a massive unemployment of African professionals, causing students and professionals to look elsewhere for better economic opportunities. African countries to the west, such as Ghana and Nigeria, have become major exporters of educated professionals to other countries such as the United States (Akokpari, 2005, p. 141).

POLITICS

The United States is a democracy, and finds itself usually trying to lend a hand to other countries in need of assistance politically and financially. Political problems are among the top four reasons for why Africans emigrate. A lot of wealthy families flee Africa in order to escape victimization by their governments. Not every African government is corrupt, but a lot of the political system is built by military regimes, with guerilla warfare civil wars are common. Many of the wealthy families in Africa are killed, or they flee the country due to their wealth. Some of the governments in Africa do not like wealthy families because they believe they hold too much power, and could possibly pose as a threat to the government (Arthur, 2000, p. 37). The United States does not give aid to as many refugees in Africa by allowing them to come to the US as they do to China, Vietnam, and other nations (Wasem, 2004). Some of the countries in Africa that do have refugees in America are Nigeria, Somalia, Sierra Leone, and Ethiopia (Abraham, 1995, p. 52).

The past and present political climate in Africa has been a major determinate for why Africans leave. The political scene in Africa is dominated by war, civil unrest, genocide, and social imparities. Some of these political conflicts occurred in Rwanda (the

genocide), the Congo (civil war), Somalia, Liberia, Sierra Leone, and Sudan, Burundi, and Nigeria. The refugees who try to escape and come to America for political asylum, they consist of only two percent of African immigrants (Abraham, 1995, p. 12). In the late 1970's government expenditures on research, social services and education were dramatically reduced, while political instability was on the rise. During this period there were violent military takeovers of the government. More than sixty percent of African governments were military dictatorships, and the only way to bring about change was through civil war, military takeover, and guerilla warfare. By 1985 there were 51 independent African nations that had suffered at least 60 coup attempts. In a study conducted in 2000, 25% of respondents said that civil war and tribalism were important factors in their migration decision (Arthur, 2000, p. 59)

Africa's economic dependency on Western capital has resulted in capital inefficiency, economic policy decisions being fragmented, and a cultural and political void, which all benefits Africa's current rulers. Africa's rulers become rich at the expense of their citizens and use their wealth to consolidate their power and wage political terror. Political institutions have begun to disappear, and the process of government legitimacy through violence as a means of conflict resolution is manifested through fear and insecurity forced upon African citizens. This all drives Africans to leave Africa in search for a safe haven (Akokpari, 2005, p. 140).

CONNECTION AMONG POVERTY, POLITICS, AND ECONOMICS

An impoverished nation with no economic opportunities and no help from the government to rebuild society is how millions of women, men and children end up in poverty. A life of poverty is a harsh unbearable life that many Africans try to escape. Not

every African immigrant in the United States was once poor, but a majority of them and their families where (Masci, 2002, p. 922). (This is pretty amazing. How do they pay to get here if they were living in poverty? Are they mostly refugees sponsored by churches and similar groups?) The United States is known around the world as a land of opportunities where the poor can have the opportunities to become rich one day, and African immigrants believe in this concept. This is how, one way or another, but usually through visas to work, study, or visit, they enter the United States. The amount of time African immigrants have on these visas is limited, which is why many of them overstay their visas and end up becoming illegal immigrants. Life as an immigrant is harsh due to not being with their families, experiencing language barriers, and having limited opportunities because of their illegal immigrant status. Applying for citizenship is an option, but not always an easy affordable route. In 2001 the number of Africans granted legal permanent residence was approximately 53,948. More than half of Africans (people born in Africa but now living in the United States) came in the 1990's, with most of them coming from western Africa. The population of African immigrants in the United States is steadily increasing, and much of what is occurring in their homeland is the cause of this illegal immigration. (Greico, 2004).

AID FROM OTHER NATIONS

Richer nations have attempted to eliminate problems in Africa such as poverty, but no solution has yet been found. A group called the "Group of 8" or "G-8", is made up of the United States, France, United Kingdom, Germany, Russia, Japan Italy and Canada. They agreed to double their anti-poverty aid to \$50 billion by the year 2010, with half of the aid going to poverty in Africa. Many people believe this plan is too simplistic and that

there is still going to be corruption, rampant HIV/AIDS, drought, malaria, and civil conflict that are all major issues in fighting poverty in Africa. The United States donates more money than any other wealthy country to poor countries, \$19 billion in 2004. Yet still it ranks second to last when aid is calculated as a percentage of national wealth. The goal of the G-8 group, in order to spend their money effectively, is to expand HIV/AIDS prevention and treatment, expand family- planning services, provide more access to clean water, expand malaria-mitigation efforts, and begin training some of the four million new teachers Africa needs. Also another major goal of the G-8 is to help remove trade barriers on Africa's exports, which they hope will improve the economic and social conditions in Africa. All of the goals the G-8 have proposed sound reasonable, but still there is skepticism over whether these plans will really work. Only time can tell (Masci, 2002, p.923).

United States Immigration Policy

Throughout the history of the United States immigration has been a public policy issue. The United States is the wealthiest nation in the world, and not only do African immigrants want to come here, but people from many other nations want to immigrate here as well (Montrat, 1994, p.6). As with all sovereign nations, the United States has rules and regulations on how long an immigrant can stay and under what circumstances. In the US Immigration "Policy on Permanent Admissions" there are four principles that underlie the U.S. policy on permanent immigration. These four principles are: the reunification of families, the admission of immigrants with needed skills, the protection of refugees, and the diversity of admissions by country of origin. These principles are in the Immigration and Nationality Act (INA) of date.. Due to the vast number of people

who apply for legal residence, as of December 2003, 5.3 million immigrant petitions were pending, according to the U.S. Citizenship and Immigration Services (USCIS). After the petitions are processed, the relatives of the US citizens and legal permanent residents then wait for a visa to become available through the numerically limited program. Sometimes relatives wait over ten years to get a visa to enter the United States (Wasem, 2004).

The United States immigration policy classifies two types of legal aliens, immigrants and nonimmigrant. Immigrants are defined as having legal permanent residence and refer to foreign nationals that come to the United States to live lawfully and permanently. Then there is nonimmigrant, which includes tourists, foreign students, diplomats, temporary agricultural workers, visitors, or people in the US on business. These people are permitted in the United States for a specific purpose and for a limited amount of time. Nonimmigrants are required to leave the country when their visas expire. The INA specifies that each year the United States has a limit of admitting seven percent of the worldwide level of immigrants. When deciding immigrant admission, preferences are given to immigrant families, needed skills, and geographic diversity. Immigrants who are granted asylum due to fear of persecution of their governments are admitted without a quota, but the number is usually only 10,000 (Wasem, 2004).

The United States has various policies and laws that place restrictions on who can come into the US and when they have to leave, or even if they are allowed to stay. All of these restrictions and policies make it hard for the millions of poor people to leave Africa and come to the United States. There is a limit on how many refugees the United States can grant citizenship/ legal residence, as well as how many people they can give asylum

to. All of these rules were created to provide structure, and limit the number of immigrants that enter the United States each year (Wasem, 2004). For many of the millions of poor people in Africa, leaving the poverty they live in is a mere dream. Then there are the few thousands of Africans who make it to America on visas. They are the lucky ones amongst the poor people in their nation. A majority of the immigrants from Africa, though, are not poor. They are wealthy and came to America to escape political troubles (Masci, 2002, p. 940).

CONCLUSION

African immigrants make up a small proportion of all the immigrants that come to the United States “These new arrivals are coming in great numbers; more than 500,000 Africans came in the 1990s alone, more than had come in all the 150 years before. Many are affluent and are among the most educated immigrants in the United States today.” (Library of Congress)

There are many reasons, including troubles in their homeland, why they come to America. One of the main reasons is rampant AIDS/HIV., which kills many Africans every day and leaves many children destined for a life of poverty as orphans. Mosquito-borne malaria is abundant in Africa, along with malnutrition (Masci, 2002, p. 939). There are more poor people in African than there are wealthy/ middle class people, which is a problem. Many of these children die from preventable diseases before reaching adulthood from preventable diseases due to a lack of medical care (Abraham, 2000, p.28).

The future of Africa is dying with these children, and though more children are born, because many women and men do not have contraceptives to prevent pregnancy, the endless cycle continues. Africa is the second largest continent in the world, yet it is

the poorest and has the highest number of AIDS/HIV patients in the world (Masci, 2002, p.938). Many of the children who live in poverty die from malnutrition, starvation, and dehydration. Access to clean water in Africa is not readily available. Instead of having indoor running water and plumbing the people who live in these poor villages have to walk, sometimes miles, to a water source to get drinking water. What kind of life is this, a life of poverty (Abraham, 2000, p.30)?

There are people in Africa who are fortunate not to live in poverty, and receive some type of education, usually high-school, or a baccalaureate college degree. Even for the educated Africans there are no economic opportunities for careers or to further their education due to the economic situation in Africa, as well as the politics. Most African nations are poor, with exports limited to metals and minerals (gold, diamonds, and feldspar), coffee, tobacco, cocoa, cotton and oil, (AGOA.info) their governments are run by regimes that dislike wealthy educated people. These people end up leaving Africa in search of better economic opportunities, which is how many of them end up here, in the United States (Akopari, 2005, p. 151). Educated Africans come to the United States through work visas, and student visas, while others are fortunate to have been granted legal resident status. After their visas expire many of them attempt to apply for citizenship, which may take years (Arthur, 2000, p. 19).

Since the number of people to whom the United States granted legal resident status is limited, many African immigrants have no choice but to become an illegal immigrant as they wait to become a legal resident. Life as an illegal immigrant is harsh, and the type of jobs you can get is limited, as well as the income you receive. African immigrants who live a decent life are those who are educated, or come to America in

order to pursue a higher education. Educated immigrants usually can become permanent residents faster and easier because their skill set allows them to contribute to the market in the United States (Akokpari, 2005, p.147).

Politics in Africa make it harder for the nations to develop due to non-democratic regimes, civil war, guerrilla warfare, and military takeover. The nations are extremely underdeveloped because of droughts, disease, famine, land degradation and limited access to food and clean water. For a continent that is so densely populated, migration to the United States seems like the best way to escape all of these hardships at home. The United States does have programs for poor people who seek political asylum, but the amount of people who can actually come to the United States is limited. Africa is a country filled with poor people who have hopes and dreams of having a better life for them and their families, but when reality sets in out of the million of people in Africa, only a small portion of them make it to America where they have opportunities to fulfill these dreams (Arthur, 2000, 35). The United States and other developed nations have made attempts to aid Africa as well as make plans to what they can do in order to prevent poverty and help rebuild the nations, but all of this seems to be in the distant future. As of today Africa is still made up of poor nations with millions of men, women, and children who live in poverty and are in desperate need of assistance (Masci, 2002, p. 932). Immigration to the United States seems like one of the only options for Africans who are lucky enough to get a visa, or find another way to get here, which usually consists of educated Africans, the elite and their families. Perhaps one day Africa will be able to rebuild all of its nations, but until then African immigrants will still be making their way

to the United States, the land of the free and the home of the brave, where a poor person has the opportunities to build wealth (Arthur, 2000, p. 56).

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Immigration Policy on Permanent Admissions

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Immigration into Mexico

By: Maricela Contreras

Abstract

Central Americans attempting to reach the United States come with goals in mind that in some cases are trampled as they transit Mexico, by crossing the river between Guatemala and Mexico then walking to the railroad station. Mexico has been faced with the challenge of how they will decrease the flow of illegal immigration and increase the flow of capital. President Felipe Calderon has determined that the security of the southern border must be increased for the benefit of the Mexican population. As the United States and Mexico are compared, there are differences and similarities in the approach to limiting illegal immigration.

Introduction

In an attempt to reach the United States, Central Americans often migrate north through Mexico and then come across the difficulty of entering the United States, forcing them to remain in Mexico. With the increase of immigration to the United States, many search for entrance through Mexico since there are many ports of entry. When their attempt fails they become part of the Mexican population, and begin to adjust to the living and working conditions in Mexico. They try to accommodate themselves by looking for jobs, but without the proper documentation it is difficult for them to survive, or even continue their journey. Increasingly there are more Central Americans entering Mexico in search of a better way of life, not considering the changes they bring to Mexico and its population.

Factors of Immigration

There are many reasons why Central Americans are leaving their country of origin, risking their lives to reach the United States, including political persecution, war and financial need. Leaving family behind to reach the American dream, or the “Promised Land,” is not a simple task, because of the obstacles they must overcome. In search of relief from political persecution Central Americans flee their country, to avoid being tortured or eliminated for speaking against the government (Fauriol). In certain Central American countries the up rise of terrorist groups, such as the Mara Salvatrucha in El Salvador, has given people reasons to move out of the country due to constant threat and fear for their lives. (Arana) The existence of these gangs of terrorists frightens the population, who in return wish only to leave in order to avoid any violence that might affect their families. Civil war within the country also increasingly encourages those who are inclined to leave to make the final decision, and begin their quest north to escape any terror that might derive from the war. However, the most prevalent reason for leaving their countries is for economic prosperity. In search of higher waged jobs, immigrants hope to provide economic security and personal opportunities that will better the way of life for those who they have left at home.

The standard of living is typically lower in Central American countries, therefore they begin to migrate in order to help their families economically by supporting them, while living and working in better conditions. In a comparison of wages, the United States wages compared with that of Mexico and Central America, the immigrant worker will be paid more if they are working illegally than if they remain in their home country (McKinley). In the United States an immigrant worker would receive, according to

federal minimum wage, \$5.15 an hour, while if they were in Mexico or in Central American this would be the pay for the entire day's work (Katal). With pay being so low in their country, parents often emigrate to obtain the funds to provide for the children, including food, shelter and education. In order to create a better future for their children Central Americans are willing to take the risk of entering Mexico to reach the United States. Their journey may lead them to a better way of life or what may become a trampled dream as they travel through Mexico. The increase of migration from Central America to Southern Mexico in the past has been dominated by men, but increasingly includes woman, too.

Impact on Southern Mexico

The surge of immigrants enters into Mexico through the Southern border, an area which has been stricken by poverty and crime. Central Americans enter these southern states in search for the train which will transport them from out of the south and into northern part of Mexico. Central Americans must cross the southern border and continue their walk if they do not have enough money to pay for public transportation. Because they were poor in their country, or because they were robbed of their possessions as they entered Mexico until they reach the city of Arriaga.

However, it is in the city of Arriaga where the biggest danger arises, because the trains they are going to jump on are not passenger trains but cargo trains. The New York Times reported "...between 300 and 500 Central Americans swarm the freight train in Arriaga, strapping themselves with ropes or belts to the top of the cars, or riding between the wagons,...(McKinley)." They attempt to hop on to the train as it is still moving risking not only their limbs but their lives. Chiapas and Oaxaca are states which have been

affected the most as they lead the way north to the United States. There have been many cases like that of Jose Moises, a Honduran mechanic, who was attacked and robbed of all his possessions immediately after he crossed the border (Contreras).

In Chiapas, entry point of many Central Americans, there are coffee farms in which low wages are paid to traveling migrants. If workers are undocumented they will be deported if any undesirable behavior is demonstrated (Newsweek). However, immigrants are willing to take on any challenge as long as they can reach the employment benefits that they receive in the United States (Davidow). The skill necessary to acquire employment within the United States is minimal, therefore Central Americans as well as Mexicans have an inclination to enter the United States, since there are jobs that need to be filled (Davidow). Since the United States uses many unskilled laborers, most immigrants come with the knowledge that they will find employment, and are more likely to travel Mexico if they have family members already in the United States. Felipe Calderon, however, has other plans for Central American, which consists of securing measures that would make the southern boarder less permeable.

Achieving Mexican Residency

For those who continue their journey through Mexico it is important to have the proper documentation. There are different types of permits the migrating person should apply for while they are residing in Mexico, or are planning to live in Mexico. Permits are separated into two types: nonimmigrant and immigrant permits. Non immigrant permits consist of the following: tourist, traveler in transit, visitor, minister or religious associate, political refugee, political asylum, student, distinguished visitor, local visitors, provisional visitors, correspondents or journalist, and agricultural visitor permits.

Immigrant permits include those for investors, retirees, professionals, scientist, technicians, family members, artist (including sports players). Each permit has requirements which must be met and a limitation on the period of time in which the person can travel or reside in Mexico. For non immigrant programs the time differs from as little as thirty days to the legal minimum residency for becoming a citizen of Mexico, but because Central Americans for the most part enter the country illegally, they must report their presence to one of the main ports of entrance to receive documentation. These permits issued by the Mexican government are only given under special circumstances and in most cases you must provide verification of income or a certain amount of saved capital.

The agricultural visitors permit allows Guatemalans the right to work in a government designated farm, but any change of farms must be authorized. It allows them to return to their country and back without limitations (SEGOB). It is calculated that about 24.4% of permits are given to travelers in transit (SEGOB). A traveler in transit permit allows you to remain in Mexico for thirty days. Even though this permit is not renewable it gives Central Americans 30 days to cross 1500 miles to the Promised Land, the United States. Visitors' permits can only be issued by the government, and only upon their authorization can it be extended. Mexican residency allows the person to live, work and use public facilities, however it does have its limitations, which are rights pertaining only to native born. In order to achieve Mexican citizenship you must be a Mexican resident and lived in Mexico for a minimum of five years (SEGOB). Even after receiving citizenship in Mexico, the citizen is denied rights that are only applied to those who are native born Mexican citizens.

In looking for employment, language is not a problem in Mexico (the majority of the population speaks Spanish), but documentation is an increasing problem. Employers in Mexico, much like in the United States, will not consider your application if you do not have the proper identification or permit. In the case of the agricultural permit, Guatemalans are provided with the proper documentation to work of the farm, as well as that needed to exit and reenter the country. The displacement of Mexican workers unwilling to accept wages offered to Guatemalans encourages them to search for an alternate source of employment often in the United States; migrant workers are more likely to move if they have shelter from family members already in the United States (Kraul).

Housing is also difficult to find. There are a few areas in which the Church or other organizations will provide people with free housing until they can determine what is the next step in their journey. If the undocumented individual does not encounter one of these churches, he is most likely to find shelter on the street or may encounter someone who kind heartedly will lend them a place to stay in their home. Since the amount of crime and violence is constantly increasing the likelihood of finding a kind person grows slimmer as people's fear increases.

Human Rights for Immigrants

The greatest of prohibitions to the Central American who has become a Mexican citizen, is the negation of the right to vote. If the individual is not a native born Mexican citizen he is not allowed to vote or own land, even if he is permanently living in Mexico (SEGOB). In Mexico, immigrants from Central America not only fear being killed by their attempts to jump on the train, but also of being raped, extorted, mistreated and

robbed of his possessions by the general population, or even government officials. There are no areas where the immigrants are fully secure. Most immigrants are forced to live on the streets as they continue their dangerous travel through Mexico. Often police officers or police officers impersonators deprive them of their possessions without deporting them, only in some instances they are deported, especially if they are disliked by the official.

In 2005, Mexico deported about 232,157 migrants who were believed to originate mostly from Central America (Evans). One major organization which lends a helping hand to these travelers is the Catholic Church, which in most cases provides them with food, shelter and help to protect civil rights. Within Mexico there exist only 60 locations in which immigrants can receive help. These organizations include “thirty two Catholic or religious organizations, three which are government operated, five from the Salvation Army, one belonging to the ONG (Organismos No Gubernamentales- Non Government Organizations), seven from the Methodist church, three are from the YMCA and nine belong to Grupos Beta, a group belonging to the National Migration Institute in Mexico (Calzada).” It is only within these organizations that they can receive access to medical help or proper care for injuries.

Within these organizations there are those who are kind at heart, for example, Olga Sanchez, “the angel of the tracks,” who runs a Good Shepherd organization in Southern Mexico, and in return won Mexico’s human rights prize for helping train victims cope and manage their new disabilities (Evans). Since Olga Sanchez has been teaching the victims how to work so they no longer suffer from starvation due to their incapacity but become part of the working force and not a burden on the society in Southern Mexico.

Grupo Beta helps migrating people by advising them that they have right, as well as providing them with water and a pamphlet explaining potential dangers of crossing Mexico (Evans).

V. Effects on Mexico

In areas such as those in southern Mexico, immigration has changed the life of those who live there. Employment is a major determinate of the quality of a person's life. In southern Mexico employment is increasingly lower for Mexicans, due to the agricultural permit jobs, which at one point were occupied by Mexicans, now being given to Central Americans, mostly Guatemalans. The reason is that the Guatemalans will work for a lower wage than Mexicans, and the government can deport them if they become unruly. In an interview with reporter Joseph Contreras, political science specialist George Grayson says, "...you can pay [the guest worker] a pittance. And if they cause the slightest disturbance, you can send them back to Guatemala." This appears to be the main reason that farmers tend to hire Central Americans over Mexicans. This had led to a violent atmosphere in the community, causing residents and immigrants to literally fight over employment, food, shelter, and even for their rights.

Mexicans are unhappy with the violence and poverty which have conquered the southern states of Mexico. In return Felipe Calderon hopes to create legislation which will encourage the economy in this area, and taking advantage of the fertile soil. Both the United States and Mexico have problems with controlling immigration their respective countries with the displacement of workers by foreigners who are willing to take lower wages than those legally within the country.

United States and Mexico Policy Comparison

The San Jose Mercury reported on President Calderon's plan for the "...Safe Southern Border Program to move against illegal crossers, violent gangs in the border zone and abuse of migrants by authorities throughout Mexico," which will soon be put into place (Watson). Similar to the United States, the illegal crossing of the border would consist of being reprimanded. The major difference is that the United States proposition for illegally crossing the border would make the illegal immigrant a felon, while in Mexico it would simply be seen as a civil violation (Watson).

"Just as we demand respect for the human rights of our countrymen, we have the ethical and legal responsibility to respect the human rights and the dignity of those who come from Central and South America and who cross our southern border," was Mexican President Felipe Calderon's response to being criticized for the bad treatment offered to Central and Southern Americans crossing into Mexico (Castillo). Calderon also believes that the law which would allow for the creation of a wall on the United States-Mexican border, which was approved by President George W. Bush, will not be an impediment for the integration of the two countries (Castillo).

Mexico and the United States have both sent soldiers to patrol the southern border and control the amount of immigration coming from their southern neighbors. Mexico has also taken it a step further by stopping and patrolling the train, and finding and arresting immigrants who have entered the country illegally without the proper documentation. In the United States a similar idea rose with the punishment of employers who knowingly hired undocumented persons (Newman). These activities are used to discourage migrants

form immigrating it to the nations by removing the method of transportation or the primary reason for migrating.

Conclusion

Central Americans enter Mexico risking the little that they have made for themselves in their country, not to disobey the law but simply to give their family the opportunity to live on a higher standard. Those who make it from Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Panama are those who will cross as many borders as necessary to provide for their families and escape the dangers of living in their countries. However, their journey affects Mexico and its population negatively, from the increase of foreign laborers to an increase in amputees in the cities of the railroad. While population increases the amount of available laborers seeking work, employment decreases bringing damaging effects to Mexico.

As immigration continues, the legislation will have to adapt to alternate routes of migration as well as the changing type of immigrants crossing the border. Where once it was mostly men, it now has included woman and children from the various countries. However, if immigration is not dealt with effectively, too many illegal immigrant workers might deprive future generations of Mexicans in the cities near the southern border the opportunity to have better living conditions. It is important that immigrants receive proper treatment, but it is of equal of greater importance to keep Mexico's economy prosperous, which might decrease the amount of immigration into the United States.

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ILLEGAL IMMIGRATION :

ECONOMIC ISSUES

Illegal Immigration and Its Economic Impacts:
The Exportation of Capital in the Form of Remittances and
What Happens to the Money
By Steven Neese

Abstract

This article presents an accumulation of research that focuses on the subject of remittances, specifically, the economic impact it has on the senders, recipients, and the economy of the United States, as well as Mexico's growing economic dependence on them. The author incorporates a wide range of sources for this research report, including professional journal articles, government documents, and an interview with a congressional aide, and concludes that remittances as a form of exportation of capital do not hurt the U.S. economy as a whole. Instead, this article finds that remittances hurt the senders, help the recipients, and may have an adverse effect on the Mexican economy in the long run. The article recommends that government policies should facilitate remittances, and that current laws that are damaging to remitting businesses should be reformed.

Introduction

With over half of the undocumented workers who reside in the United States coming from Mexico (Passel, 2006, p. 4), and family remittances to Mexico exceeding \$23 billion dollars in 2006 (The America's Intelligence Wire, 2007), this paper will focus on remittances sent back home by undocumented workers from Mexico. It will describe who these workers are, why they come here, how much money they send back home, how they send it, how it impacts their families and the economy of Mexico, and how it impacts the economy of the United States. It will show that remittances substantially help the recipients, that they may help the Mexican economy in the short run, but cause it

harm in the long run, and that they have no direct negative effects on the American economy, but may indirectly affect it.

Who Are the Workers?

A close look at the make-up of the 37 million foreign-born people in the United States in 2005 shows that 10.5 million (28%) are permanent legal residents, 11.5 million (31%) are naturalized citizens, 2.6 million (7%) are post-1980 refugee arrivals, 1.3 million (3%), are temporary legal residents, and 11.1 million (30%) are unauthorized migrants (Passel, 2006, p. 4).

The total of 11.1 million unauthorized migrants represents approximately 3.8 percent of the total population of the United States, estimated to be about 288 million in 2005 (U.S. Census, 2005, p. 1). Of the 11.1 million unauthorized migrants, 6.2 million are from Mexico (Passel, 2005, p. 5), and that represents approximately 2.2 percent of the total population of the United States.

Most unauthorized migrants arrived in the United States after 1990, with 2 million coming between the years of 1990-94, 2.9 million in 1995-99, and 4.4 million in 2000-2005, or about 850,000 per year for the last period (Passel, 2006, p. 2), clearly an accelerated growth rate in the last five years. In fact, each year since 1995, the numbers of unauthorized migrants arriving in the United States has exceeded the numbers of legal immigrants (Passel, 2005, p. 6).

Demographically, about 11% of unauthorized migrants are single women and 37% are single men (Passel, 2006, p. 8). Approximately 59% of unauthorized families have no children; 23% have children who are U.S. citizens; 11% have non-citizen children; and 7% have both U.S. citizen and non-citizen children in their households (Passel, 2006, p. 8). Other statistics indicate that 94% of unauthorized adult male migrants work, while 86% of legal adult male residents and 83% of native adult male

citizens were in the workforce (Passel, 2006, p. 9). Unauthorized adult female migrants work less than all other groups, with 54% in the workforce as compared with 63% of legal adult female residents and 72% of native adult female citizens (Passel, 2006, p. 9).

Who is sending money back home?

A report called “A Demographic Portrait of Latino Remittance Senders in the United States,” done by the Pew Hispanic Center, provided the following profile of Latino remittance senders: 60% are male; 63% are under the age of 40, with an average age of 37; 59% are married; 59% have not completed high school; 57% make less than \$30,000 a year; 72% rent their homes; 47% arrived in the United States over the last ten years, and the average amount of time in the United States is 13 years; 45% of immigrants from Mexico sent remittances back home; 64% are employed as unskilled laborers; 50% have visited their home country in the last 3 years; 45% say they plan to move back to their home country; 55% do not have credit cards; 43% do not have bank accounts; 63% watch TV and listen to the radio predominantly in Spanish; and 54% say they speak only a little English, or none at all. These unauthorized workers are concentrated in low-wage and low-education occupations, with 24% in farming and agriculture; 17% in cleaning and maintenance; 14% in construction; 12% in food preparation and serving; 9% in production; and 7% in transport and material moving occupations (Passel, 2006, p. 11).

The Human Experience of a United States Congressional Aid

Statistics tell us a lot, but they do not put a human face on who is sending remittances back home. Cindy Avitia, Congressional Assistant to Congresswoman Zoe Lofgren, related the following story of her grandfather coming to the United States as a

bracero after World War II, when there was a big pull by U.S. businesses for immigrant labor (Personal communication, April 13, 2007). Life was difficult and getting progressively worse economically in his home region of Durango. He would be away from his family for six months out of the year, but was able to send enough money home to provide for the basic necessities. The problem was that his family was without a husband and father for half the year. He would go back and forth between Mexico and the United States with seasonal work. As a *bracero*, he could get a green card, and back then, a migrant worker did not have to wait 20 years for a member of his family to join him, the way they do now. It was much easier to immigrate then, so people did. When his son, Cindy's father, was about 20 years old, he replaced his father in the United States, so his father could return to his family.

Cindy's father went to the fourth grade, and then repeated it twice, so he could get a sixth-grade certificate. The rural school he attended did not go up to the sixth grade! Her mother managed to get her sixth-grade certificate as well. Her father arrived in the United States in 1954, followed by her mother and sister in 1967. They worked very hard and became permanent legal residents. Her father was an aluminum molder for 28 years here in Santa Clara. He did not do that job because it was his “dream job.” He did it because it was what he had to do to make a living and invest in a future for his family. He did it because he wanted a better life for his children. Both of his daughters received college educations at good universities, and Cindy recently graduated from Santa Clara University Law School. She points out that his willingness to do whatever kind of work was necessary, his resilience, dedication and determination show that there has been a shift in the values of American workers.

It is Ms. Avitia's observation that young people today do not want to work at a fast-food restaurant, which they see as starting at the bottom of the ladder. They do not want to be butchers, or bakers, or candlestick makers, for the same reason. They want to find ways to make money without having to do anything. They want jobs that do not really produce anything tangible, but make money in some easy way. But what they see as starting out at the bottom, immigrants see as honorable work that lets them feed their families and educate their children. Cindy's parents wanted the same things that the immigrant ancestors of many of today's citizens wanted: a chance at a decent life and a promising future for their children.

These very opinions were echoed in remarks made by the new Chairman of the Federal Reserve Board, Ben Bernanke, at a conference at the Federal Reserve Bank of Chicago, when he stated the following:

...Most immigrants today come for economic reasons, driven by the hope of making better lives for themselves and their families... The positive values and attitudes of most contemporary immigrants hold the promise of upward mobility, particularly for the second and third generations, and they help to make immigration a key source of American economic dynamism. (2004, p. 8).

Remittances to Mexico and How They Compare to Personal Earnings in the USA

One of the most important reasons people come to the United States is because they know they can earn enough to send money back home (C. Avitia, personal communication, April 13, 2007). About half of the 11.1 million undocumented immigrants send remittances back to Mexico, and some of the permanent residents from Mexico also send home remittances. Their combined numbers are roughly 7 million (Suro, 2003), or 2.4 percent of the total U.S. population, who regularly send money back home. According to Banco de Mexico (The America's Intelligence Wire, 2007), family remittances to Mexico reached \$23 billion in 2006, and that is just the amount that can be measured through the formal money transfer institutions. It translates into \$3,286 per

year in remittances for every Mexican worker in the United States, or about \$274 per month. This figure is close to the estimate of \$243 for the average remittance being sent by the members of the National Money Transmitters Association, which includes Western Union and Money Gram, according to the executive director of the association, David Landsman (2006). Remittances are the second largest source of foreign income for Mexico, following income from oil exports (The America's Intelligence Wire, 2007), and nearly 4 times the amount of U.S. foreign aid sent to the region (Kapur, 2003, p. 1).

Table 10, entitled "Personal Income and Its Disposition," in the latest report by the Bureau of Economic Analysis (2007, p. 12) on gross domestic product for 2006 lists the total personal income of the United States as \$10,883,400,000,000 ("ten trillion, eight hundred eighty-three billion, four hundred million dollars"). The \$23 billion Mexico received in remittances from the United States is a mere 0.2% – not even 1% – of the total personal income earned by everyone in America! It is such a small amount of money compared to what we earn as a nation that it is surprising how beneficial it is for families in Mexico, and how much impact it is having on the banking and money transfer service industries, as well as American foreign policy, immigration policy, and Homeland Security policies.

How is money being sent back home?

There are several misperceptions about remittances, and they may be tied to the anti-immigration sentiments. Cindy Avitia feels that one of the biggest misperceptions is that people come here and work illegally and make a lot of money, and then do not want to invest it here in the United States. They just send every penny home, taking money from America and sending it somewhere else. That makes them not only undocumented, but it makes them "un-American, undesirable, uncooperative, and non-assimilationist" (C. Avitia, personal communication, April 13, 2007). While they may come here illegally, most believe they are driven by economic necessity. They work very hard, often at very low-paying jobs, and live frugally in order to send as much as they can to

their families, who depend on that source of income, mainly for basic necessities. If they had a way to come here legally to find work and bring their families along, they would spend more of their money here, rather than having to send it back (C. Avitia, personal communication, April 13, 2007).

Although the amount of money sent back is small, amounting to between \$200 and \$300 each month, it is important in order “to help their families pay for ordinary living expenses, such as rent, utilities, and food, rather than for savings or to support a business endeavor” (Suro, Bendixen, Lowell, & Benavides, 2002, p. 6). Being able to send money home is one of the primary motivations immigrants have for coming to the United States, and a large proportion (27%) of those who send remittances “send money home first, even before paying their own bills,” while almost twice as many (48%) send back “all money that remains after paying their bills,” and only about 9% do not place a high priority on sending money home (Suro et al., 2002, p. 7).

Nearly half (43%) of the unauthorized migrants do not have bank accounts either in the United States or in Mexico, and more than half (55%) do not have credit cards (Suro et al., 2002, p. 7), giving them very little experience with financial institutions. Yet these poor, under-educated migrant workers have learned to negotiate international money transfers amounting to billions of dollars each year.

Cindy Avitia believes that some remitters prefer to send money back home with a friend, someone perhaps from the same hometown as the remitter, who is known and trusted (personal communication, April 13, 2007). This personal courier hand-carries the money back to the remitter's family. They see this informal mechanism of money transfer as the most reliable way for money to get back home. They avoid many of the costs involved in sending money through more formal channels, and what the government does not know about, it cannot interfere with.

Only about 10% of remitters use this method of sending money home, while 7% send money through the mail, 11% use banks, and only 2% use credit unions, according

to the Inter-American Development Bank (2004). Seventy percent of remitters use the wire transfer services offered by companies such as Western Union and Money Gram, even though until very recently, the fees they charged to wire money to Mexico often exceeded 15% of the amount being sent (Suro et al., 2002, p. 9). Usually there is a flat fee charged to the remittance sender, and then another fee to convert the remitted dollars into pesos. The wire transfer firms set the exchange rate themselves, often at much less than banks, so by the time the money actually reaches the person for whom it was intended, it is much less than the original amount.

This is one reason the Federal Reserve is taking steps to encourage access to the formal banking system by undocumented workers. By encouraging banks to enter the money transfer service, it fosters competition between banks and wire transfer services. Fees for money transfer have “fallen from about 15 percent of the principal amount in the 1990s to between 5 and 9 percent today, depending on the receiving country” (Bernanke, 2004, p. 3).

Policy and Remittances

Even President Bush has recognized the importance of remittances, since they now exceed the amount of official development assistance sent into the Western Hemisphere by more than four times. One author made the observation that “Immigrants, rather than governments, thus become the biggest provider of foreign aid. On the sending side, remittances need no costly government bureaucracy, and on the receiving side, the money is unlikely to be siphoned off by corrupt government officials” (Kapur, 2003, p. 2). If remittances are to be the new form of foreign aid, provided by expatriated workers in the United States, then the leaders of both the sending and the receiving countries must work together to find ways of getting remittances out of the informal sector and into the formal banking system. There, they can keep better track of them, and can channel them into investments in the recipient communities, such as paving roads and installing modern water purification plants, and starting small

businesses. In addition, banks can offer other financial services, such as loans and savings accounts that help to spur the local economies, rather than spending the funds on consumer goods. The receiving government could possibly impose various fees, or even an income tax, on the recipient households if they get a better idea of where the money is coming from, where it is going, and how much there is. Right now, due to the mostly informal means of transferring money, the Mexican government can only impose property taxes in areas of the country they believe are receiving remittances (C. Avitia, personal communication, April 13, 2007). So, indirectly, they are trying to get a share of the remittance windfall.

At the Special Summit of the Americas, President Bush and the other leaders agreed to “create the conditions necessary to reduce by at least 50 percent the cost of sending money home to family members and local communities by 2008” (Bush, 2004, January 13). The leaders also agreed to establish compatible electronic payment systems, and find ways to “harmonize” automated clearing houses and other electronic payment systems, and to find ways to expand access to financial services to the people, in order “to bring those without bank accounts into the formal financial system...and promote the efficient investment of remittances in local communities” (Bush, 2004, January 13).

As major banks, such as Wells Fargo, Bank of America, Citibank, and others, enter the money transfer services market, they are “spearheading a large expansion of retail banking on both sides of the U.S.-Mexican border... An unanticipated longer-term effect appears to be a strengthening of the weak retail banking system in Mexico” (Kapur, 2003, p. 3). In March 2007, Bank of America announced that it was making a new credit card available to the Hispanic community in Los Angeles on a trial basis. Customers will not need a Social Security Card to apply. They can present identification in the form of an ID card issued by the Mexican Consulate, known as a *matricula consular*, or an Individual Taxpayer Identification Number (ITIN) issued by the Internal Revenue Service (Associated Press, 2007, March 1). Bank of America noted that only 56

percent of Hispanic households use credit cards, compared to 80% of American households in general, and that the average annual income of an illegal immigrant family is \$29,500, according to a study done by the Pew Hispanic Center (Associated Press, 2007, March 1). They represent a very large untapped market for the banking industry.

In addition to accepting alternative forms of identification, which help ease the fears of potential customers who are worried about their legal status, banks are adopting a number of strategies to pull the undocumented migrants into the formal banking system. For example, they are forming alliances with Mexican banks. Wells Fargo announced in 2002 that it had formed a partnership with Bancomer, Mexico's largest bank, to expand Wells Fargo's InterCuenta Express Mexican wire transfer service. "Customers who open an account with Wells Fargo in the United States can send up to \$1,000 daily directly to their beneficiary's bank at Bancomer for only \$10" (Hispanic PR Wire, 2002, June 25).

Another way is for banks to form partnerships with existing money transfer organizations. "The combination of the transfer service's transmission infrastructure and the bank's marketing services and branch network is likely to reduce costs" (Bernanke, 2004, April 16). The wire transfer services themselves are forming alliances with Mexican banks to extend their services. Western Union partnered with Banco Nacional de Mexico and Citibank in September 2006, allowing them to extend their services and expand their distribution networks with over 5,000 locations throughout Mexico (First Data, 2006, September 7).

Western Union has been a strong supporter of the immigrant community in recent years, riding "a 10-year wave of immigration to record-high profits" (Hawley, 2006, March 19). Its parent company, First Data Corp., based in Denver, Colorado, has created a \$10 million "Empowerment Fund" to campaign for immigration reform. It has established a charity for Mexican women whose husbands are working in the United States. It has "held seminars on migration law, published how-to guides for migrants and sponsored English classes" (Hawley, 2006, March 19). First Data makes nearly half of

all its profits from money transfers. With more and more banks entering the wire transfer business, companies like Western Union are making considerable effort to retain their customer base and to make their fees competitive.

Banks are also using ATMs to expand their remittance services. Bank of American and Citibank issue a debit card to a person in Mexico to whom the customer wishes to send money, and charges only a flat fee of \$10 for the transfer. ATMs are growing more and more popular in Mexico, but still are not common in many rural areas (Bernanke, 2004, April 16).

Remittances and the Fear of Funding Terrorism

Great strides are being taken by the banking and wire transfer industry to make services widely available to their customers, and to encourage them to enter the more formal banking structure. One reason is customer service, to give reliable and affordable means of transferring money. Another is to channel remittances into investments which will build a stronger infrastructure and stimulate the local economies. A third reason is to assist in the fight against terrorism. By reducing the informal means of money transfer and bringing the transactions into the more highly regulated system of banking, money laundering schemes and other illicit purposes can more easily be detected. The Deputy Assistant Secretary of the Critical Infrastructure Protection and Compliance Policy, Department of the Treasury, Michael A. Dawson, made the following observation at the Bankers' Association for Finance and Trade:

Our challenge at the Treasury, as regulators, is to preserve the important contributions that international financial services make to the well-being of people in the United States and around the world while ensuring that international financial services are not abused by terrorists and money launderers to exploit our financial system...We do this, we believe, by setting targets rather than by micromanagement of your operations, by regulation, and by fostering a system in which transparency exists. (2003, p. 1).

The Impact of the Patriot Act

In order to combat money laundering and terrorist financing, section 311 of the Patriot Act gives the Treasury Department the ability to require U.S. financial institutions to take special measures, ranging from stricter record keeping and recording of transactions, to “enhanced due diligence...[and the] termination of banking relationships” (Dawson, 2003, p. 3). The Treasury Department is trying to make sure that the regulations they impose due to the Patriot Act do not place an undue burden on money transmitters, banks, and credit unions, but they intend to “continue to implement the anti-money laundering and anti-terrorist financing provisions of the USA Patriot Act” (Dawson, 2003, p. 4). Even so, remittances “risk becoming casualties in the war on terrorism by imposing blanket sanctions against governments and financial intermediaries suspected of funding groups such as al Qaeda” (Kapur, 2003, p. 6).

David Landsman, Executive Director of the National Money Transmitters Association, has spoken before both the Senate Committee on Banking, Housing and Urban Affairs and the House Subcommittee on Financial Institutions and Consumer Credit on “the Epidemic Denial of Banking Services to Licensed Money Transmitters” (2005, April 26). What he pointed out was that, as a result of the Patriot Act, even money transmitters who are licensed in their state are flagged as “high risk” by banking regulators, who do not distinguish the licensed operators from the unlicensed. The banks have been saddled with so many requirements by the Patriot Act that they would rather close their accounts with money transmitters than spend the time and effort it would take to perform “due diligence” in making sure the business is low-risk and compliant with the requirements of the Patriot Act.

In effect, according to Landsman, the federal regulators have made the banking industry the supervisors of the money transmitting businesses, even when they are already licensed by the states in which they operate. As a result of so many businesses losing their accounts, the vital services they perform for their customers and their beneficiaries, and for the economies of the countries receiving their remittances, are

being threatened out of existence. This is one of several negative, indirect impacts that remittances have on the U.S. economy. If accounts continue to be closed, “the alternative will drive the underground economy further underground,” resulting in a further unintended consequence of the Patriot Act (Landsman, 2005, p. 2). What Landsman hopes for is a “National Money Transmitters Act” that will require that all anti-money laundering requirements be evenly applied, and the licenses issued by the States recognized by banks as legitimate. With over 70% of remitters relying on wire services to send their money back home, having limited access to these services would either drive them to the formal banking institutions, or as Landsman pointed out, further underground with the informal means of money transfer. The banking industry then would not be able to assist in channel remittance money into investments or to offer other important financial services to recipient communities.

Jeffrey N. Cruz of the Congressional Hispanic Caucus Institute makes the recommendation that the United States enact the Wire Transfer Fairness and Disclosure Act, which has been before Congress since the late 1990s, but “killed in the Subcommittee on Financial Institutions” in 2003 (2003, p. 3). It would require all money transfer companies to “clearly disclose the costs of their transactions, including the exchange rate and fees” (2003, p. 3). It would increase transparency and competition in the industry, and help to lower costs, allowing a larger portion of the transferred remittance to reach its recipients.

Banks do have more stringent regulations than the wire transfer services, which make doing business with them more transparent. All fees must be disclosed in advance, including the exchange rate, and the customer is given a receipt for the transaction. The wire transfer services are coming more and more in line with the same kind of regulations and fee disclosures, so the entry of banks into the money transfer business has resulted in that benefit to the consumer as well.

Even though many states require wire transfer service to be licensed, and federal law requires that they register with the Treasury Department, “these laws are concerned primarily with preventing money laundering rather than with protecting the consumers” (Bernanke, 2004, p. 4). There are consumer protection laws in both the United States and Mexico, and they are working together to inform the consumers of their rights, and how to file a complaint if something goes wrong with their transaction.

The Need to Strengthen the Mexican Economy

While remittances have gone a long way in lifting families out of poverty, paying for basic necessities first, and then for the books, uniforms and school supplies that permit their children to stay in school longer and obtain the best education available, there are those who caution that remittances are not in the best interests of the Mexican economy in the long run. The new president of Mexico, Felipe Calderon, hinted at the problem and the logical solution in a meeting with President Bush in Temozon Sur, Mexico, in March 2007, stating that

We want to foster our trade relationship, our economic relationship...We both understand that the only solution to many of the problems we have is to create well-paid jobs in Mexico...Mexicans lose in each migrant the best of our people, young people, working people and audacious people, strong people, people that leave Mexico because they do not find the opportunities here...Neither enforcement nor a future worker program will stop the huge flow of Mexicans northward...the solution is to bring better jobs to Mexico and remove the incentive to leave. (Dinan, 2006, November 10).

Victor Hanson pointed out that the billions of dollars received annually in the form of remittances by Mexico from its citizens living in the United States “hide the government's failure to promote the proper economic conditions – through the protection of property rights, tax reform, transparent investment laws, modern infrastructure – that would eventually lead to decent housing and well-paying jobs” (2006, May 11). He compares remittances going to a developing nation to lottery winnings, “sudden winnings that were not earned” and asserts that

...remittances, along with oil and tourism – not agriculture, engineering, education, manufacturing or finance – prop up an otherwise ailing Mexican economy. This helps to explain why half of the country's 106 million citizens still live in poverty. (Hanson, 2006, May 11).

Hanson makes a further point that illustrates another indirect negative consequence of remittances on the U.S. economy by pointing out how the millions sent back to Mexico reduce the amount of money the immigrants have to pay for basic necessities for themselves, such as food, housing and transportation (2006, May 11). “So to survive, illegal aliens in the U.S. must endure cheap, substandard and often overcrowded housing. They cannot easily purchase their own healthcare or invest in safe and reliable cars” (Hanson, 2006, May 11). This results in an intervention by the state to provide “emergency-room medicine, legal help and subsidized housing and food” to this self-made class of underprivileged working migrants (Hanson, 2006, May 11). He concludes by stating that while it may be cruel if remittances ever came to an end, it would be even worse in the long run “not to deal with a broken system that facilitates such massive transfers – both for the millions here in dire need of retaining all their earnings, and millions more in Mexico in even more dire need of vast structural reform” (Hanson, 2006, May 11).

Analysis

Remittances are the result of the internal economic, political and social conditions within a country that “cannot provide adequate employment and income for their citizens” (Terry & Wilson, 2005, p. 378) and so they leave in search of better opportunity elsewhere. Though often poor and uneducated, these migrant workers manage to find jobs, however menial and underpaid, and send a significant portion of their earnings to family back home, where it lifts them out of poverty by paying for basic necessities, such as food, clothing, rent, utilities, medicine and school supplies. Their total incomes are not even 1% of the total income earned by all Americans, and the amount of their remittances is only a portion of that, yet the aggregate amounts have reached billions over

the last ten years, indicating the rapidly growing number of undocumented workers in the United States. Remittances to Mexico are the second largest amount of foreign income for the country, just after income from oil exports, amounting to \$23 billion in 2006 (Americas Intelligence Wire, 2007, February 1). According to the Inter-American Development Bank, USAID to Mexico for fiscal year 2006 was \$27 million, and the budget for fiscal year 2007 is \$22 million (2007, March 18).

Promoting the Flow of Remittances through the Formal Banking Sector

This fact has not gone unnoticed by either the American or the Mexican government, who have been working on “harmonizing” their banking and wire transfer industries to bring immigrant workers – and their billions of dollars in remittances – into the formal banking sector. Policy makers see the potential of remittances to strengthen local economies by investing in infrastructure needs, and want to do everything possible to promote the flow of remittances. The American banking industry is making it easier for illegal immigrants to open bank accounts and get credit cards by accepting an alternate form of identification called the *matricula consular* issued by the Mexican Consulate, or an Individual Taxpayer Identification Number (ITIN) issued by the IRS. Opening bank accounts will facilitate the transfer of remittances in more transparent ways, which will assist in efforts to thwart the use of money transfers for money laundering or the support of terrorism. It will also promote competition, reducing the fees associated with transferring the money, and increasing the availability and range of services. Those with bank accounts will have access to savings accounts, business and mortgage loans, and other financial services which will promote investment in their local economies back home. This in turn will provide more opportunity for jobs and increase the hopes for prosperity. Terry (2005) mentions the “3 Rs” of migration and development – remittances, the recruitment of workers by host countries, and the return home of migrants – as playing a pivotal role “in tapping the power of this remarkable diaspora” (p. 378).

Conclusions

The issue of illegal immigration in the United States may be one of the greatest domestic challenges facing the current generation. Remittances are only one of the many complicated issues surrounding illegal immigration in America, but they must be considered in any comprehensive immigration reform plan. Most experts agree that remittances have important and positive impacts on the families and countries that receive them. As the amount of remittances sent back to countries such as Mexico continues to increase, its impact on those economies will also increase. Helping to build a strong economy in Mexico is in the best interests not only of the United States, but of the entire Western Hemisphere. According to the overview of Mexico on the USAID website, “Mexico is the world’s tenth largest economy, and is a pivotal contributor to prosperity and stability in the Western Hemisphere.” In a regional strategy report for Mexico for fiscal years 2003-2008, USAID notes the strategic relevance of Mexico to the United States:

The two countries share a 2,000 mile frontier that has on average more than one million border crossings per day. Several U.S. and Mexican industries (particularly automotive and electronics) have closely-linked production chains, many U.S. businesses remain dependent on an influx of Mexican migrant labor, and many Mexican firms are highly dependent on U.S. technology and the U.S. market. Since the activation of the North American Free Trade Agreement (NAFTA) in 1994, Mexico has become the second largest trading partner of the U.S., and is among the top ten export markets for 43 U.S. states. In November 2002, it became the primary supplier of crude oil to the U.S., providing almost 16 percent of imports. (USAID, 2003, September 5).

President Bush and Mexico’s new president, Felipe Calderon, have both committed to strengthening Mexico’s financial and economic infrastructures and integrating them with the U.S. financial sector. With the amount of remittances

exceeding US foreign aid to Mexico and expected to increase over the next decade, channeling this money into development programs has become an important priority. Promoting the creation of organizations such as Hometown Associations (HTAs) is one “promising method to better utilize remittances,” according to Jeffrey N. Cruz of the Congressional Hispanic Caucus Institute (2003, p. 5). This will increase “the organizational capacity of the citizens, strengthening the civil society so important to democratizing and developing countries” (Cruz, 2003, p. 5). People will be more likely to put money into programs where it is matched by government funds, which Cruz says will maintain accountability and local ownership, as well as strengthen “the linkage between remitters and their native countries, which in the long run will result in more remittances being sent” (Cruz, 2003, p. 5).

Changes to the banking and wire transfer businesses both in the United States and in Mexico are being made in order to promote the transfer of remittances. Steps are being taken to encourage illegal immigrants to open bank accounts and enter the formal banking system, making the process more transparent and accountable, as well as more efficient and safer. Banks are accepting the Mexican *matricula consular* as a valid form of identification, and the Individual Taxpayer Identification Number (ITIN) issued by the IRS in place of a Social Security number. The entry of banks into the wire transfer business has increased competition with other wire transfer businesses, reducing the costs to transfer money. Another important recommendation to continue and support this trend is to resurrect and pass the Wire Transfer Fairness and Disclosure Act, which will help make the process of transferring money more transparent and fair to the consumer, reducing costs and helping more money reach its destination (Cruz, 2003, p. 3).

The Patriot Act needs to be examined in terms of the unintended harm it has done to the money transfer businesses by over-regulating them, and by implementing policies that make banks fearful of doing business with them, resulting in the money transfer businesses having many of their accounts closed and an increase in costs (Landsman, 2005, April 26).

The greatest obstacle by far is how to work out the obvious contradictions between the political and economic policies America has with respect to Mexico and other nations who export their workers here, and American immigration laws. If the United States truly intends to fulfill its mission “to extend a helping hand to those people overseas struggling to make a better life, recover from a disaster, or striving to live in a free and democratic country,” (USAID, 2007, May 24), it must make adjustments to liberalize its immigration laws. One scholar sums it up very succinctly by stating the following:

Listening to the heated rhetoric about illegal immigrants, a visitor from another planet might think that undocumented workers are all terrorists, criminals, and ne’er-do-wells. Against this hostile backdrop, it is worth remembering that the majority of Americans have many ancestors who arrived on these shores when there were no immigration restrictions. Our ancestors arrived here simply to build a better life for themselves and their loved ones. That is what the vast majority of today’s immigrants are after too. For those of us who want to see an end to child labor, who want to see poor people helping themselves and their families, and to see direct people-to-people aid instead of official dealings among big institutions, what could be more encouraging than the remittances that a generous immigration policy can make possible for enterprising migrants? (Wasow, 2006, July 6.)

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ILLEGAL IMMIGRATION :

STATE COSTS

Illegal Immigration: State Program Impacts, Health Care and Public Education

By Ryan Brando

Introduction

To what extent does illegal immigration cause increases in costs for public health care, and public education? Does illegal immigration lead to overcrowding or adverse impacts on public agency budgets?

There is an imminent concern in the United States over undocumented persons using public health care and education. Costs associated with state programs will continue to rise unless Congress is willing to take action to enforce laws to prevent illegal immigration. Without action, state programs will suffer the affects of higher costs for health care and school programs. Uncompensated care costs are costs directly related to fiscal losses hospitals suffer for giving emergency care to illegal immigrants. Uncompensated care costs are a major problem, and if the federal government does not contribute funds, hospitals costs will skyrocket. California, Arizona, New Mexico, and Texas are Border States that are affected the most due to the high influx of immigrant. Federal and state policies need to be strengthened in order to curb the costs on health care, and education.

Overview (Health care, education)

According to the Center for Immigration Studies, “In 2004, state governments spent \$125 billion on Medicaid, health insurance coverage for those with low incomes. Based on prior research, some \$2.1 billion of that money went to illegal households, mostly to their U.S. born children” (Camarota, para 10). There are 11 million undocumented persons living in the United States. State governors are calling on the

Bush administration to do something about illegal immigration, using health care as their major concern. States have started to act. “In 2005, twenty states introduced eighty bills to limit the access to health services for non-citizens or require that providers inform authorities about patients who have violated immigration laws” (Pierce, para 4).

Health care is an extremely touchy subject for the hospitals because they do not care whether a person in need of health care is a citizen. To the health care providers, they are only concerned with the health of the individual seeking care. Hospitals use the reasoning that these people could contaminate others if they are not treated. Therefore, laws permitting immigrants use of health care will never reduce the costs for hospitals. Federal law requires hospitals to treat whoever needs care. Emergency care for illegal immigrants costs states roughly ten billion dollars a year, so emergency care should require some sort of documentation stating citizenship. Documentation, some advocates will argue, offers information that could be given to the federal government to suppress the illegal immigrant problem.

However, other advocates on immigration argue that if the hospitals intimidate illegal immigrants and they are deterred from using health care, then they will not seek care and could possibly infect others in the community. “An analysis of a law requiring documentation that was recently defeated by the Colorado legislature found that in order for the law to be enforceable, the state would have to develop capacity to process documentation for 446,000 people. Critics of the bill said the expense would probably cause the bill to actually cost taxpayers money instead of generating savings” (Pierce, para 21).

A documentation law for states along the border with Mexico would be impacted even more because of the higher residency of illegal immigrants. A documentation requirement law would also create an anti-immigrant feeling that would be felt by the immigrant community. By creating anti-immigrant sentiments, those who need health care would seclude themselves even more than before the laws. State governments find themselves burdened by a simple question, “Should we provide health care services, or create laws to curb health care services?” The answer is extremely complex because providing health care to illegal immigrants only creates the incentive for others to migrate to the United States.

Public education costs are another major fiscal problem affecting state programs. Budget deficits and shortfalls can be partly attributed to the amount of money being distributed to pay for illegal immigrant children’s education. “In some states, drastic cuts mean lay-offs for teachers, larger class sizes, fewer textbooks, and eliminating sports, language programs, and after school activities. Some schools are even shortening the school week from five days to four” (F.A.I.R., para 1). The burden of such massive deficits hurts not only taxpayers, but children as well. State governments are looking for the federal governments help to create stronger immigration laws. Advocates for illegal immigrant rights conclude that education for illegal immigrant children creates a contributing adult to the economy. However, by dividing the available revenue for public schools among the larger number of children due to illegal immigration, school systems experience significant shortfalls and a degradation of the educational product.

Education and Illegal Immigrants

“In 1982, the U.S. Supreme Court ruled that it would be unconstitutional for any state or school district to deny K-12 education to a child residing in that state or school district on the basis of the child’s being an illegal alien” (GAO 2004, p.7). The problem behind this concept is that education costs are continuing to rise and so is the illegal immigrant population. There is inadequate funding to build new classrooms, so the result is overcrowding which could affect children’s education. Because immigration persists, class sizes with grow creating a minimized learning environment. One of the predicaments behind educating second language children is funding English Language Learner programs, funds that could go toward something else.

According to the Federation for American Immigration Reform, estimated costs to educate illegal alien children in all states combined were \$7,390,703,257 in 2004. “Schools cut funding, and as a result the children are receiving a poorer education on the behalf of the federal government passing its illegal immigration failures onto the states” (F.A.I.R. para 17). According to the Center for Immigration Studies, state and local governments spent four hundred billion dollars on public education in 2003. “Between five and six percent of all children are themselves illegal aliens or are the U.S. born children of illegal aliens. Putting aside the higher costs associated with educating language minority children, the costs of providing education to these children still comes to twenty to twenty-four billion a year for state and local governments” (Camarota, para 18).

Health care costs in California

California's Senator Diane Feinstein stated in 2003, "Unfortunately, the federal government has consistently failed to respond to the needs of state and local communities struggling to stay afloat on account of the growing costs of illegal immigration. And all too frequently, local communities are forced to shoulder this burden alone" (Martin, J., & Mehlman, I, p.1). The highest amount of illegal immigrants in any state belonged to California in the year 2000. "The estimation by the Immigration and Naturalization Service was that there were 2,209,000 aliens residing illegally in the state, which was 31.6 percent of the national total, that represents more than 6.5 percent of the population" (Martin, J., & Mehlman, I, p. 3). It is clear that the size of the illegal immigrant population in California creates major fiscal problems in the area of health care. Joy Alexiou of the Santa Clara County Public Health Department said, "Of the thirty one percent of people who do not qualify for private insurance, high percentages are illegal immigrants. In relation to uncompensated care costs, the hospitals tag patients with huge bills, although illegal immigrants simply do not pay it. The end result creates a debt for the hospitals". Recently, California's Governor Arnold Schwarzenegger wanted to create a universal health care system. The plan is designed to supplement health care to people who do not have health care coverage including illegal immigrants. An unintended consequence of such a policy might be to add an inducement to illegal immigration. Universal health care in California is intended as an attempt to look out for the welfare of the people, although, insurance companies would lose profits. Therefore, universal health care is another California plan that takes money out of the taxpayer's pockets, as well as reallocating funding in state and local budgets.

Emergency Medical Costs

“Hospitals generally do not collect information on their patients’ immigration status, and as a result, an accurate assessment of undocumented aliens’ impact on hospitals emergency medical costs remain elusive” (Martin, J., & Mehlman, I, p. 10). The federal government recognized the load local taxpayers were carrying to pay for illegal immigrant emergency medical costs and issued a plan to reimburse states. At first, “the U.S. Congress paid twenty five million to heavily impacted states. Congress renewed, and upped the level tenfold to \$250 million each year” (Martin, J., & Mehlman, I, P. 10). Congress providing revenue creates a problem for states because, for example, instead of that money going to roads, clean water, schools, or other state grant avenues, the federal government is forced to pay for illegal immigrants to use emergency care. The Department of Health and Human Services plan in relation to reimbursing states’ revenue, required hospitals to present proof of documentation of the person receiving emergency medical care. However, a major outcry against the requirement from hospitals and illegal immigrant advocacy groups forced the Health and Human Services to get rid of the requirement. “The estimated illegal alien population in California is eighty three to ninety six percent larger today than it was ten years ago in the Urban Institute estimate. This implies that the U.I. estimated emergency medical outlays would be between \$210-\$331 million today if costs were consistent, which of course, they are not” (Martin, J., & Mehlman, I, p. 10). It can be expected that if nothing is done to minimize costs for emergency medical care, which seems impossible politically in the first place, the financial burden will get worse in the future.

Strategies to curb costs

The first recommendation presented to reduce illegal immigration costs to state programs could be cutting costs paid by governments, but allowing undocumented persons to stay. Reducing costs probably is the most difficult to impose since illegal immigrants already cost state, local, and federal governments millions. “The fact that benefits are often received on behalf of their U.S. born children means that it is very difficult to prevent illegal households from accessing the programs they currently use. In addition, it seems almost certain that if illegals are allowed to remain in the country, the fiscal deficits will continue to persist” (Camarota, para 13).

The second consideration is to grant amnesty to illegal immigrants, which means that every illegal in the country would automatically become a permanent resident of the United States. This strategy would create a major tax increase. “Costs would rise dramatically because illegals would be able to access many programs that are currently off limits to them. Moreover, even if legalized illegal aliens continued to be barred from using some means-tested programs, they would still be likely to sign up their U.S. born children for them because they would lose whatever fear they had of the government. It is estimated that once illegals are granted citizenship, payments to illegals under this program would grow more than ten fold” (Camarota, para 14).

The only real solution to the problem would be enforcing the law to stop illegal immigration. Instead of using the money to enhance illegal immigrant programs, such as health care and education, the federal, state, and local governments need to fund border security. Steven A. Camarota, director of research for the Center of Immigration Studies suggested, “The center piece of any enforcement effort would be to enforce the ban on

hiring illegal aliens. The United States should impose heavy fines on businesses that knowingly employ illegal aliens” (Camarota, para 15). Businesses use illegal immigrants in order to maximize their profits by paying them very little. In addition, they do not offer any health benefits due to their illegal status, so when they get sick, the burden is left up to the hospitals. Taxpayers will bear the burden of long-term costs if policymakers decide not to enforce laws against illegal immigration, or invite illegal immigrants’ amnesty to the United States.

Uncompensated care costs

Hospitals all over the United States are concerned about uncompensated care costs that severely damage budgets. The problem is that hospitals do not know the affect that illegal immigrants have on uncompensated care costs because they do not ask for legal status when treating a patient. “Because federal law requires hospitals participating in the federal healthcare insurance program to medically screen, if necessary, treat to stabilize any person seeking care for an emergency medical condition, regardless of immigration status, some hospital officials have said they believe the federal government should help pay for emergency and other medical care provided to undocumented aliens” (GAO 2004, p. 5).

There are questions, however, about the extent of the problem, since hospital officials can not develop a reliable figure regarding how many are illegal. Hospitals complain about being left to handle the burden, but do not require documentation. Therefore, the federal government asked hospitals to generate a study of how many patients without social security numbers were being treated. A social security number could be the answer to generating an estimate of uncompensated care costs. A survey

generated by the United States General Accounting Office to find out the impact of illegal immigrants associated with uncompensated care costs found “not enough evidence due to a lack of survey response rate, and because they could not determine the affect of undocumented aliens on hospitals uncompensated care levels. Therefore, until better information is available, assessing the relationship between this population and hospitals’ uncompensated care levels will continue to pose mythological challenges, because of the lack in response rates among hospitals” (GAO 2004, p. 13).

Federal funding sources have been made available for some hospitals and undocumented persons’ costs, although not for all. Medicaid services are available in two ways, “The first, provides coverage for eligible undocumented aliens, such as low-income children or pregnant women. Not all undocumented aliens are eligible for or enrolled in Medicaid, however, and this coverage is limited to emergency medical services, including emergency labor and delivery” (GAO 2004, p. 13). Hospitals can turn away those patients who do not have medical insurance if there is no emergency medical need. They are required to treat the patient in an emergency, and this goes for delivering babies or severe injuries. Medicaid officials in some states reported that the federal government did not cover hospital care costs of those who were not eligible for Medicaid. Instead, “States used these funds to help recover the state share of Medicaid expenditures for undocumented aliens, so additional expenditures of \$250 million annually for 2005 to 2008” (GAO 2004, p.13). Medicaid eligibility for undocumented aliens requires a person to be under the age of 19, or have children under the age of 19, or pregnant women.

Medicaid Disproportionate Share Hospital Payments is another program to help hospitals deal with the costs of illegal immigrants. Under this program, DSH is only for

hospitals who offer Medicaid expenses to low-income people, including undocumented aliens.

Balanced Budget Act is funding for undocumented aliens to help states recover from fiscal losses by providing emergency services. BBA is a federal aid to help hospitals pay for the illegal immigrant population regardless of their Medicaid eligibility. “States could use these funds to help recover the state share of emergency Medicaid expenditures for undocumented aliens” (GAO 2004, p.18).

Border security and Homeland Security is not responsible for illegal aliens who seek or receive care. Border patrol agents are only responsible for those who are taken into custody. In addition, if an undocumented person is allowed to seek health care, Border Security is not responsible for their coverage “The Border Patrol generally does not take injured illegal immigrants into custody and is therefore not responsible for subsequent medical costs” (GAO 2004, p. 20). Hospitals once again are responsible to shoulder the burden of uncompensated care costs.

Southwest Border States

Research done in September 2002 by the Border County Coalition found that southwest border counties-the twenty-four counties adjoining the Mexican border- are facing a medical emergency. “A score of federal and state policies, such as declining federal Medicaid reimbursements and rising professional liability insurance costs, are contributing to an imminent health care crisis” (MGT 2002, p. 9). Unfortunately, border counties that are near the Mexican border are being hit the hardest by health care costs. Mexican immigrants come into the country illegally and end up needing emergency care at some point. Uncompensated care costs along the Border States are not being

reimbursed fast enough for the medical services to catch up with growing costs. “However, as the number of undocumented immigrants in the country has escalated, state and local governments have increasingly stepped up to the plate to cover the cost of uncompensated care” (MGT 2002, p. 9). Since state governments end up dealing with the growing costs, they feel the federal government should pick up the tab. According to the American Hospital Association annual survey, southwest border county hospitals reported uncompensated care totaling nearly \$832 million in 2002. The federal government is responsible for protecting the borders of the United States, however, the inability to stop illegal immigration affects state and local governments. The federal government does offer support with revenue to the hospitals, but in large part, the state absorbs the burden.

Arizona is one of the Border States that is struggling with health care for undocumented immigrants. Undocumented immigrants acquire care through State Emergency Services, which is fully funded by the state of Arizona. “In 2001 (SES) cost the state of Arizona \$18.5 million, as a result, Arizona lawmakers were forced to make additional budget cuts for 2002 due to low revenue. Arizona legislature replaced (SES) with a federal funded program that reimbursed hospitals for uncompensated care costs” (MGT 2002, p. 35).

California, out of all four Border States, provides the most services for illegal immigrants. In 1994, California voters passed proposition 187, which prevented illegal immigrants from receiving non-emergency care. “Perhaps ironically, among the four Border States, California offers the most generous array of benefits for undocumented immigrants, it is the only southwest border state that allows non-qualified and

undocumented immigrants to pre-qualify for Emergency Medicaid and receive a restricted Medi-Cal card” (MGT 2002, p. 35). Out of all forty-nine states, California’s undocumented immigrants are more likely to utilize health care services. As a result, California’s hospitals are facing major budget problems and the majority of them are losing money.

New Mexico is another Border State that is dealing with the rising financial burden of health services to undocumented immigrants. “The state’s major safety-net hospital, the University of New Mexico Health Science Center, provides emergency care, immunizations, communicable disease diagnosis and treatment to undocumented immigrants. However, UNMHSC considers undocumented immigrants self pay, and requires that they provide partial payment before receiving non-emergency care” (MGT 2002, p. 37).

Texas is another state that is reimbursed for their emergency care due to their high illegal immigrant population, although Texas does not run any state funded programs to accommodate undocumented aliens. The Texas legislature is not happy with funding services for undocumented immigrants.

Possible Solutions to the Problem

The first solution would be Congress supplying additional funding to help take the burden off hospitals, and state and local government budgets. Federal aid should be increased around the Border States due to the large influx of immigrants. Nevertheless, hospitals need to find some way to determine immigration status so Congress can have an estimate of the uncompensated care costs in that particular state.

Second, hospitals should use the absence of a social security number as a key to

finding how many illegal immigrants use health care associated with costs. The federal government should require hospitals to use the social security alternative to establish information on uncompensated care costs. The downside to this recommendation is that social security numbers can easily be made or borrowed. Many illegal immigrants do have social security to use during employment, some of which are the result of identity theft and others in which are invented.

Third, the Border States could follow the lead of California in offering some sort of coverage for eligible patients such as pregnant women and children. Currently, Arizona, Texas, and New Mexico only offer emergency medical services to undocumented immigrants. If each state offered some sort of Medi-Cal program than costs for uncompensated care would not be so high.

“Senators Jeff Bingaman, John McCain, Robert G. Torricelli, and Jon Corzine introduced the Federal Responsibility for Immigrant Health Act. This bill expressly allows states and other health care providers to receive Medicaid reimbursement for dialysis and chemotherapy services, prenatal care, and the testing and treatment of communicable diseases provided to immigrants” (MGT 2002, p. 75). The bill allows health care providers to use their judgments on who should be seen for medical treatment. Moreover, the bill does not provide extensive care for a medical condition. In addition, Congress should provide border security and homeland security officials with revenue to reimburse local hospitals that care for immigrants taken from custody.

State programs and the future

The future of health care and public education probably will not include an ultimate failure if the federal government contributes substantially. The only possible

solution to reduce the costs of health care and education is to reduce the amount of illegal immigrants. Immigration law enforcement is the cheapest way to deal with this growing problem. If the federal government keeps contributing funds to the health care and school system then the problem will only continue to grow. Hospitals have already demonstrated the inability to determine who is illegal or legal.

Preventing illegal immigrants from obtaining employment is another solution that can lessen the impact on state programs. “The strategy of attrition through enforcement in order to shrink the size of the illegal alien population to relive the burden on state programs calls for tighter security around the borders, and conventional law enforcement, it is less expensive than constantly contributing funds to state and local programs” (Vaughan, para 25).

Conclusion

Health care and public education in this country have been severely impacted by illegal immigration. Analyzing the data presented, costs will only continue to persist if nothing is done. California is dealing with a health care crisis that is sending hospitals into a financial distress. Border counties surrounding the Mexican border are being impacted the most. Perhaps enhancing border security will lessen the burden on state programs. Public education is constantly having to fund programs that support illegal immigrants. This creates a degradation of the public education system. Congress needs to help states deal with this growing problem. Congress can federally fund more health care and public education programs, or create new laws against illegal immigration. It is obvious that the two programs mentioned need help from the federal government. Both programs can not turn away illegal immigrants because it is unconstitutional. How can

the United States catch up with the fiscal burden illegal immigrants are putting on our state programs?

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Immigration Policy and Public Health

By Mazin Mohamed

Abstract:

People who live in developed nations do not go through the same struggles and hardships that people in the third world experience. Third world citizens are in a constant struggle for a secure life and many people all over the world will do anything to survive. This article's goal is to inform the American public of the seriousness and complexity of the issue of illegal immigrants. In many cases illegal immigrants want to live in the United States to have a better life, yet, the people who live in the United States are at risk of being infected by diseases that are carried into the country by illegal immigrants who cross the border without being medically screened.

Thesis statement:

Illegal immigrants to the U.S typically cross the border at points without infectious Disease Control Stations. Illegal immigrants, are, therefore, more likely to carry undetected infectious diseases into the U.S, and affect the health of U.S citizens. Illegal immigrants treated in hospitals cost states a lot of money in providing medical care for them.

History:

The United States is a nation founded by colonists who were seeking political and religious freedom and economic opportunity. From the 17th century to the 19th century, the first settlers were mainly from Western Europe. In the 18th century, the colonists in

the southern states imported slaves from Africa to do the hard labor on large plantations, adding another ethnicity to the nation's roots. The history of US immigration continues into the twenty first century, with many different peoples from various parts of the world, immigrating for economic, political, and family reasons.

When the Congress determined to provide a system for managing immigration from Europe, Ellis Island in New York Harbor became a federal immigration station that processed over 12 million European immigrants in 1892 alone. Ellis Island was one of the 30 immigration-processing stations in the United States from 1892 until 1954. It incorporated medical and mental health screening, as well as determining the general fitness of the people to enter the United States. Immigrants, who were processed on Ellis Island and approved remained in the nation and gained citizenship. Others, who were diagnosed with infectious disease, were denied entry and sent back, or were placed in hospital facilities on the island until they recovered, which led to the deaths of many infected people. (www.history.com)

Personal thoughts on the issue:

Immigration is a major aspect of all societies, and plays an influential part in how nations continue to grow and change in population and diversity. Ever since the unfortunate events of September 11, 2001, immigration into the United States has become more restricted and frowned upon by many Americans. Ellis Island is an example of how the federal government helped in preventing many infectious diseases from getting into the United States in the 19th and 20th centuries. Yet now, in the 21st century, when the population of the United States has increased dramatically, and the nation's borders are being penetrated by many illegal immigrants who contribute to the spread of

infectious diseases and harm the public's health, regulation of immigration is a very problematic issue.

The traditional theories behind immigration of people note the push and pull factors. Push factors usually refer to the reasons behind the emigration from one's country to another. An example of the push factors would be economic reasons that urge immigrants to leave their nations in hopes of a better standard of living. The pull factors are the things that attract many immigrants, such as education and healthcare. Many immigrants are attracted to nations where the standard of living and education is better than where they come from.

The United States is the world super power, so regardless of the push and pull theories its democratic nature is one of the main attractions that motivate many people to leave their nations and migrate to the United States. Most immigrants, either legal or illegal, wish to come to the United States for a better life. Human beings always seek their best interests, yet some people may break laws simply for the sake of providing a better life for their families. I am an immigrant who came to the United States in hopes of a better education and ultimately a better life. I question myself, would I break laws simply to have a better life or would I continue suffering in hopes that one day I may have the chance to have a better life without breaking any laws.? To answer such a question is a very hard thing to do.

. Many people who illegally penetrate the United States' borders do so because of problems in their home country. Some of their problems may be life threatening, which leads them to one option: survival. People will do anything to survive. Recognizing that the need to survive drives people, and that more people are entering the United States

each day out of poverty and deprivation, the issue of illegal aliens and public health is of great importance to all people living in the United States.

Reasons why immigration laws are broken:

Many immigrants come to the United States because of serious circumstances: political discrimination, war, or economic devastation. Others have wagered on finding a better life in this country in the face of economic desperation in their home country.

While many illegal immigrants are just trying to live a better life, they harm the public's health by introducing infectious diseases that they may carry in their bodies.

There are also negative motives behind illegal immigration. Not all immigrants who cross the border illegitimately do so in search of a better life. Some people traffic drugs and in many cases traffic individuals whom they use for labor or prostitution.

Illegal immigrants to the United States typically cross the border at points without Infectious Disease Control Stations. Therefore, they are more likely to carry undetected infectious diseases into the United States, and affect the health of United States citizens.

Illegal immigrants are usually treated by hospitals that bear the cost of treating them, which in most cases causes financial hardship for such public hospitals.

Imported Threats:

When considering illegal immigration and public health, one needs to review the different types of diseases that affect the public health. The rapidly swelling population of illegal aliens in this country has also set off a resurgence of contagious diseases that had been completely eradicated by our public health system. These include cholera, diphtheria, tuberculosis (TB), plague, leprosy, and malaria (yellow fever). Chagas and viral hemorrhagic fevers were not known in the United States until recently. Among these

fevers, are Lassa, Marburg, Eboli, Crimea-Congo, South American, and others not yet isolated or named. In addition, there are new diseases like SARS (Severe Acute Respiratory Syndrome) and sexually transmitted diseases (STD), among them HIV/AIDS. (Schrieberg 1986). Although these are all infectious diseases that have been linked to illegal immigration, the two that are of great concern are TB and Chagas disease.

There is a difference between TB infection and TB disease. When a person has been exposed to someone with TB disease and breathed in the TB germs, that person may become infected with TB. In most cases, people with healthy immune systems can resist the infection and not become ill with TB disease. A person with TB infection only (positive TB skin test but normal chest x-ray) is not sick, and is not contagious to others. TB medicine can help kill the bacteria and prevent the development of TB disease in the future. (Medical News Today). Tuberculosis disease remains one of the world's leading causes of illness and death. Each year, 8 million people become ill with TB, and 2 million people die from the disease. This worldwide health problem that reached a peak in the 19th century was thought to have been brought under control by the 1960s due to active public health measures and the use of modern drug therapies. (www.globalhealthfacts.org) However, poverty and malnutrition have led to its reemergence in many places.

Another serious disease that causes a threat to the public health is the Chagas disease. Chagas, which is endemic to South and Central America, is caused by a parasite known as trypanosome. It is a blood-borne disease and is spread by triatomine insects. The parasite burrows into human tissue (usually in the face), where it then begins to

multiply. In addition to being spread by insects, it can also be contracted through blood transfusions. In recent years, there has been significant population migration of people from endemic countries into the United States. This has led to increased risks for populations in the US, as the disease spreads outside the traditional geographic boundaries. (www.allaboutchagas.com)

Most cases of Chagas Disease that occur in patients other than illegal aliens is thought to be contracted from tainted blood, blood sold by illegal aliens with Chagas Disease before the blood supply started being tested for it as of August of 2006. The public health of the nation is under constant threat due to illegal immigrants who are not properly screened for such diseases, and even legal immigrants who do not go through proper screening, which causes a threat to the public health. (www.allaboutchagas.com)

Public health issues are of great importance, as it involves improving the health of communities and societies through disease prevention and education, and the promotion of a healthy life style. When discussing immigration of illegal aliens the impact of immigration on the public's health must also be considered. While illegal immigrants are not solely to blame for the spread of infectious diseases across the nation, one could make the claim that they contribute to the spread of diseases because they do not go through the proper screening procedures meant to prevent the introduction of disease.

Impacts on the American Health care System:

The convergence of public health and illegal immigration has been noted by many researchers. For example, in an article entitled "Illegal Aliens and American Medicine" Madeleine Cosman makes a claim that illegal aliens contribute to the spread of infectious diseases throughout the United States. She also claims that free health care provided to

illegal aliens has caused many of the United States' public hospitals to go bankrupt.

Cosman makes a strong case to support her claims. For example, {restate one or two of her arguments}. An article by David Schrieberg in the October 3, 1986 San Jose Mercury News described the spread of tuberculosis and its relation to illegal immigration, especially in California.

Tuberculosis is a very dangerous and deadly disease that kills many people every year. Figures released by the California Department of Health Services show that immigration from Asia and Latin American countries fuel the spread of the disease. All theories that have been used in supporting the claim that illegal immigrants contribute to the spread of infectious diseases are based on demographic trends. Much of the data is based on the study of demographic trends of other countries and the relative increase of diseases in relation to migration from those countries into the United States.

A very arresting fact was that foreign students, visitors, and legal immigrants are not required to have a TB test before entering the country. This suggests that it is not only illegal immigrants who spread the disease, but also legal immigrants or visitors who do not go through the proper screening. One article indicated that "California's problems are intensified by illegal immigrants who are infected when they enter the country, exhaust public facilities and become ill while here and infect families and friends before being forced to leave by immigration officials." (James, 2006)) This assertion seems difficult to prove since TB screening is not done routinely for any immigrant group. Furthermore, there are no hospital documents indicating that an infected person is an illegal immigrant because hospitals are not authorized to demand proof of residency from individuals

seeking treatment. With so little documentation, why are illegal immigrants targeted as the source of infectious diseases?

Public health is very important to the stability of this nation, and all efforts should be exercised to prevent the spread of contagious diseases such as TB. Pointing the finger at illegal immigrants who break immigration laws and put the health of the public in jeopardy may not serve the best interests of the nation's health. It is easy to sympathize with illegal immigrants who wish for a better life and a better economic system in which they can raise their families, and to understand the concern of many legal immigrants and native population who are affected by the spread of infectious diseases. Issues of human rights and immigration laws are in conflict with one another, and the protection of the public's health adds another ethical conflict.

It is not reasonable to assume that illegal immigration could be stopped, because people who live in societies that experience instability will always want a better life and to them "the ends justify the means". In her article, Cosman claims that health benefits offered to illegal aliens in the United States encourage immigrants to cross the borders in hopes of medical treatment. While such a policy gives an incentive that provokes immigrants to cross the border illegally, it is important to understand the factors that promote such actions from individuals. In many cases, people from third world countries are deprived of adequate medical care, sanitation, and proper nutrition, which all lead to the penetration of the border by illegal immigrants who wish for a better and healthier life.

In association with illegal immigrants and infectious diseases are the costs behind providing medical care. Many public hospitals have been forced to close down due to the

insufficiency of funds to care for the large number of uninsured patients. By providing medical care to individuals regardless of status, hospitals lose money because no one is responsible for the expenses resulting from the treatment of uninsured individuals.

This requirement to provide un-reimbursed medical care comes from the Emergency Medical Treatment and Active Labor Act (EMTALA). EMTALA requires every emergency department to treat any individual, regardless of status, who comes in with an emergency. Every person must be screened, and if the medical condition is an emergency, or the medical need is childbirth, the person must be treated until ready for discharge. Doctors have a moral and legal obligation to treat all individuals in case of an emergency, while hospitals and doctors are forced by law to treat all individuals, but the expenses are left unpaid, and ultimately the hospitals and doctors suffer. (Cossman 2005).

A specific example of the impact of EMTALA is found in the article about Los Angeles. “Los Angeles County Trauma Care Network, built in 1983, was one of America’s finest emergency medical response organizations. Consisting of 22 hospitals, state-of-the-art equipment, superior emergency physicians, surgeons, specialists, nurses, technicians, it offered 365-day, round-the-clock emergency care for people suffering life-threatening car crashes, industrial accidents, urban crime, natural disasters such as earthquake and wildfire, or terrorism. Now most trauma hospitals have left the network, and so have many emergency physicians and surgeons. EMTALA contributed to the Trauma Care Network loss of focus and loss of money.” (Cossman 2005).

Fred Arnold wrote “Providing Medical Services to Undocumented Immigrants: Costs and Public Policy.” He describes the estimates that have been made by hospitals and county governments to prove the cost of medical care for undocumented immigrants.

Arnold indicates that public hospitals are suffering and are forced to cut costs and raise additional revenues to make up for the money spent on providing medical treatment for illegal immigrants (Arnold 1979).

Immigrants, whether legal or illegal, have an effect on the spread of many diseases in the United States such as TB due to the weakness of the screening process. Many developing and underdeveloped countries have not yet eradicated certain diseases, therefore increasing exposure when their citizens immigrate into the United States. Illegal immigrants are not properly screened and legal immigrants are also not properly screened, both cause a risk for the public.

The spread of infectious diseases harms innocent people and affects the public's health. The topic of this article is illegal immigrants who contribute to the spread of infectious diseases that affect the public. EMTALA requires medical personnel in public hospitals to treat all cases of emergency. The implementation of such an act leads to unpaid medical bills and causes hospitals on many occasions to close down. Therefore, the public's health is also negatively affected by the closure of many hospitals that are forced to close due to unpaid medical bills. If a public hospital goes bankrupt and closes, many of the tax-paying legal residents are affected, because they no longer have access to a certain medical facilities and services. Illegal immigrants, and legal residents, who do not pay their medical bills, combined with infectious diseases and the scarcity of funding from the state governments, eventually affect the public's health.

In California, Governor Arnold Schwarzenegger declared that the "health care plan would ostensibly use existing and new funds to legitimize insurance coverage for undocumented immigrants". I admire Governor Schwarzenegger's proposal, because it

will benefit many doctors and hospitals who suffer due to the unpaid expenses used to treat uninsured people and illegal immigrants. This proposal will benefit California residents; because more efforts would be conducted in order to find and treat TB positive people who may harm the public's health of the public health system had fewer unpaid debts.

One cannot dismiss the fact that illegal immigrants do exist in our society, and we are all humans and we all have the right to live a good and healthy life. The fact that illegal immigrants are breaking the law to improve their lives may be understandable, but one must not forget that maintaining the public's health is also a priority. Not providing adequate funding to hospitals will result in the closure of many medical facilities and eventually harm the public's health.

Mrs. Ulluminair Salim works for the Alameda County Public Health Department as an outreach social worker. She is concerned with issues that revolve around illegal immigrants' contribution to the public's health. She is concerned that the issue of illegal immigrants contributing to the spread of infectious disease is very hard to determine, because it is hard to track down the number of illegal immigrants. Although there have been many estimates that indicate the presence of illegal immigrants in the nation, there is still no authoritative estimate. In Alameda County, the Tuberculosis Case Control Unit is dedicated to the management and safety of the TB positive population, and to ensuring that the spread of the disease is controlled. Of course, hospitals do not know who is legal or illegal. By law, any person who is treated at a public hospital is not required to show proof of status. Claiming that illegal immigrants contribute the spread of infectious diseases in the nation, based on hospital figures, is questionable due to the accuracy of

the data provided. A better argument would be that illegal immigrants contribute to the spread of infectious diseases because they do not go through medical screening when they cross the nation's borders.

Possible Solutions:

The purpose of government is to represent its people and insure its citizen's wellbeing. In regards to illegal immigration and the spread of infectious diseases, it would be beneficial if the government required all individuals who seek medical treatment to provide proof of residency, with out fear of deportation. This recommendation would prove to be helpful in determining how many legal immigrants contribute the spread of infectious diseases compared to how many illegal immigrants contribute to the spread of diseases. Having factual data that proves the number of people who contribute to the spread of diseases would help the United States government and state governments to work collectively in efforts to reduce and contain the spread of infectious diseases. The government should also implement strict policies that require legal immigrants to go through the proper medical screening when entering the nation.

Schriberg's article indicated that health officials believe that setting up a policy that requires all immigrants or visitors to the United States to go through tests would simply add a "layer of bureaucracy to already complicated entry procedures". However, this is not a sound argument for not implementing a policy as such. When talking about immigration and public health, the government needs to consider that it is dealing with people's lives. The United States is one of most attractive nations in the world. People from all over the world come to the U.S., the U.S government needs to provide proper

policies that may ultimately prove beneficial to society as a whole and the preserve the public's health.

What the public needs to be aware of is that infectious diseases do exist in the United States and that blaming illegal immigrants is not going to resolve anything. The public needs to understand that the health of people within this society is very important to maintaining the stability and safety of this nation. Illegal immigrants may be committing a crime by crossing the border illegally, but people are also in the wrong if they do not believe that illegal immigrants are also humans who wish for a better life. Securing the border is necessary, but ignoring the fact that there are people within this society who are in need of medical attention will not benefit the nation as a whole.

The fact that different people in developing and underdeveloped nations are suffering from the threat of infectious diseases and the lack of proper medical facilities should motivate people in developed nations to want to help others who are less fortunate. Contributions to organizations such as the UN and non-profit organizations help in providing the less fortunate people who live under constant threat with better medical facilities and programs that promote and educate people about the different diseases and how to best deal with them. Leaders of developed nations should continue to help in providing adequate medical facilities that may help educate the populace and ultimately benefit people around the world. Every individual has rights as an individual, not as a member of this or that nation. Rights are based on moral principles. One has rights not by virtue of being an American, but by virtue of being human. One of those rights is to be free of disease, so the ultimate focus should be the maintenance of public health, regardless of the source of the threat.

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Illegal Immigration: The Impacts on Federal Programs Social Security and Border Patrol

By Karina Diaz

Abstract:

Illegal immigration has different impacts in different aspects of economic and social life of the United States. Two extremely important factors that illegal immigration touches are Social Security and Border Patrol. Billions of dollars every year go into social security from undocumented immigrants that they will never collect. This is because many illegal immigrants use identities not their own, therefore they cannot collect. The money then is kept by the social security agency. On the other hand, the more illegal immigration there is, the more security that is put along the borders of the United States. More technology is being used and more patrolling is done in order to prevent immigrants and others from crossing the border illegally, all of which costs the federal government considerable money.

Introduction

Illegal immigration affects the social security program and border patrol every day, every month, every year. An undocumented worker contributes to social security more than he probably thinks. For example, a man from the state of Oaxaca, Mexico, who crossed the border through the dessert to enter the United States near Tecate, very close to Tijuana, whose earnings from jobs rank from \$8.50 to \$12.75 an hour, paid \$2,000 toward social security in 2004. This man also contributed \$450 to Medicare through payroll taxes taken out of his wages. The result for this man is not a good one though because he is undocumented and will never receive the benefits of retirement or

eligibility for Medicare (*Illegal Immigrants*). On the other hand, border patrol is being strictly enforced to prevent illegal immigrants from crossing the border. Along the Canadian and Mexican borders there is more technology being used. For example, sensors, cameras, and command-and-control systems are being used to detect crossings. New projects are being created to prevent people from crossing illegally the Mexico-U.S. and Canada-U.S. borders. (*Concern*). Both Social Security and Border Patrol are having great impacts in regards to immigration. With illegal immigrants crossing the United States border by millions and acquiring a social security number, based on an identity not their own or a simply made up number, illegal immigrants contribute to social security by billions of dollars annually, which they will never benefit from. At the same time, illegal immigrants have a tremendous impact regarding Border Patrol, both economically and socially, with more strict security sent along the United States border, trying to prevent illegal immigrants from entering the country, thus raising the cost of border security.

Social Security

Social security is a federal program that provides for old age, health, disability, and survivors insurance financed by employers and employees through taxes deducted from their pay checks. In order to contribute to the social security program, workers must have a social security number. With the nine digit number, social security taxes are automatically deducted from paychecks every time workers are paid. When undocumented immigrants come to this country and try to find a job, most are asked to provide a social security number, which drives undocumented people to take an identity not their own. Sometimes they make up a social security number, but sometimes they

acquire a number already taken by a legal person. Once the fake number is given to the employer, the employer assumes it to be correct and perhaps gives them the job. The cycle of the illegal immigrant contributing to taxes is set, therefore contributing to social security starts. There are more than 12 million undocumented immigrants in the United States, and every year more than \$7 billion are collected by the social security program from these immigrants. In 2004, the money added to a 10 percent surplus, the difference between what the program receives in payroll taxes and what it gives out in pension benefits (*Illegal Immigrants*).

False Identities

When an undocumented person uses a social security number that corresponds to another person, the person legally owning the number can be negatively impacted. For example, the Lybbert family from Utah went through a tough struggle trying to clear their daughter's credit history. An illegal immigrant, whose last name is Tinoco, was using their daughter's social security number. He was not using it for any crime purposes, but to obtain a job. However, when Miss Lybbert applies for loans, Mr. Tinoco's history will reflect in her credit history. Also, his earnings history is likely to cause her benefits to drop, since benefits are based on the best year of income of the last five years of work. One of the most common forms of identity theft is when an illegal immigrant steals a social security number not his own (*Some ID*).

With a number not their own, illegal immigrants get access to low paying jobs. In addition, the poor coordination of government agencies facilitates jobs for immigrants (*Some ID*). In the 1990's, social security gained more than \$20 billion from taxes paid.

Although the purpose to steal a social security number is not intended by the illegal immigrant to do any harm like stealing a credit card and charging it up would, they still harm the real owner's history. For example, some illegal immigrants file for bankruptcy and it reflects on the owner of the social security number, not the undocumented immigrant (*Some ID*).

More than 10 million Americans have their identities stolen every year, according to the Federal Trade Commission. Many, but not all, undocumented immigrants work under a stolen identity (*Some ID*). The Homeland Security Department is taking action in response to these fake social security numbers. It is starting to improve its electronic systems to help employers determine whether workers are using a fake number. This process will also store biometric and biographic information on people who will apply for immigration services. President George W. Bush has recently said, "We must create a better system for employers to verify the legality of their workers". The speech took place on the Arizona-Mexico border where, ironically, there is a very common route for those illegal immigrants coming from our southern neighbor. After President's Bush speech, Homeland Security is updating its verification information system, a system they use to verify that employees can work in the Basic Pilot Program. The system has more than 100 million records according to the *Federal Register (Systems)*.

In addition, Homeland Security will create a more advanced Biometric Storage System. The system will include all information processed by Immigration Services regarding those people applying for immigration services. With this Biometric Storage System, Immigration Customs Enforcement (ICE) can check the background of applicants and facilitate card production. The Biometric System will replace the current

Image Storage and Retrieval System, which now will require ten fingerprints from all who apply for immigration services. Those coming into the United States as visitors will also have all their fingerprints taken. The System is intended to reduce identity theft and increase immigration security (*Systems*).

The Money Going Into Social Security

Illegal immigration impacts social security by billions of dollars which immigrants will never collect, but immigrants do not care because all they want is to work hard while they can, send back the money to their country of origin, and then when they grow older, go back to their country and finish their lives there. Many work in places that do not check completely their employees' documents when they are being hired, so they get by with a social security number not their own. For example, Lily, who came to the United States more than 14 years ago from Guatemala illegally, did not know anyone in Minneapolis, and had no idea what to expect. She asked a neighbor what she needed in order to work and was told that she needed "legal papers." She called the smuggler that led her across the border into the United States. He sold her a nine digit number (social security card), and papers with her photo engraved on them. This cost her \$75 more than 14 years ago (*Here Illegally*).

Most employers benefit from a loophole because they are not expected to distinguish from a fake ID and the real ID. If the Immigration Service realizes that the employer hired an illegal immigrant, the employer will most likely be charged, but most often they state that they did not know that the documents were forged, and are left with no responsibility. (*Here Illegally*).

With so many illegal immigrants out in the work force working in low paying jobs, the government is acting to enforce a law that removes illegal immigrants from their jobs. If enforcement is increased this will reflect fewer workers doing the low paying jobs. For example, the federal government arrested thousands of illegal workers at Swift & Co. meat processing plants under non-eligible social security numbers. These arrests have led more people to believe that proper immigration legislation with a guest-worker program is needed (*Virtual Laws*).

Border Patrol

Illegal immigration not only impacts the social security program, but it most directly impacts Border Patrol. Border Patrol consists of officers who patrol the border of the United States to prevent illegal crossings, smugglers, and terrorists. However, there are still hundreds of illegal crossings every year. Some immigrants make the dangerous crossing in the desert in hot temperatures and end up dying of dehydration or starvation. Others simply do not make it because the journey is a really long one. Illegal immigrants die each year trying to cross the border. The federal government and the Department of Homeland Security work together to secure the border with technology such as sensors. Because of the large number of people already here who have crossed successfully, the Department of Homeland Security needs to develop better protection and detection systems. (*The U.S.-Mexico*).

The most frequently crossed, and illegally crossed, border in the world is the U.S.-Mexico border, with more than one million illegal crossings each year. Since the 1980's, five times more illegal immigrants have crossed to the United States. Illegal

immigration comes from everywhere, but most people come from Mexico. Out of a 2,000 miles border there are more than 80 miles of federal enforced barriers and fencing along the border, mainly in California and Texas. The more fencing there is, the tougher it becomes for immigrants to cross, forcing them to go back (*The U.S.-Mexico*).

Technology on the Border

Border Patrol will soon install two command and control centers, new ground sensors and two prototype mobile towers with sensors and cameras along the 28 miles stretch of border south of Tucson and in Texas. Many new technologies will be installed. The estimated costs for the new border security from the Department of Homeland Security are from \$2 billion to \$30 billion. The department has been spending huge amounts of money on border security. The Deepwater program to update the Coast Guard's air and sea fleet has skyrocketed to a \$17 billion to \$24 billion (*Concern Mounts*).

In addition, the Department of Homeland Security wants to set out sensors in tunnels and underground to detect when immigrants are crossing and prevent them from reaching U.S. territory. For example, the Morley Avenue tunnel that drains water from Nogales, Arizona runs along the Mexican border. Many illegal immigrants use this tunnel to cross illegally without being detected. Other tunnels, such as old mining and petroleum tunnels, are used on other parts of the border where they serve as illegal crossings for immigrants (*Concern Mounts*).

With more projects being brought out, the balance between schedule, quality, and cost of each has a great impact. Because of the limited budget there may have to be

changes to technologies and implementation schedules. The best patrols do is to try to control the matter in a smooth and positive way (*Concern Mounts*).

In Arizona, along the border, Boeing will start to put up new equipment in the desert. There will be towers, sensors, and other pieces of security to try to prevent illegal immigrants from crossing into the United States. Homeland Security and its Deputy Secretary, Michael Jackson, are proposing increased enforcement of immigration laws within the United States and control of the border with additional staffing and new technology. The basic technology proposed is a three-legged stool dubbed SBInet. Boeing became the SBInet integrator and with the approval from DHS officials, the company can design basically every part of the border security program. The design includes communications equipment to monitor how agents process immigrants into custody. In addition, Boeing is building a barrier made out of metal bollards, a thick post, along the military area in southwest Arizona. It also provides three Arizona Border Patrol vehicles with new technology: laptops, satellite phones, and other communications equipment (*Concern Mounts*).

Border Security Costs

The impacts of illegal immigration revolve around costs secondary to securing the borders. Presidential initiatives on homeland security in 2002 increased dramatically. In order to increase security along the border, homeland security would spend \$32 to \$50 billion. The initiatives include training new personnel, developing explosion detection equipment, modernizing distress systems, improving cyber security, creating real-time identification systems, and fostering the sharing and interoperability of data. Other

needed technologies include digital surveillance, data mining, "smart cards," sensors, and early-warning and profiling tools (*Agencies*).

Conclusion

Border security has huge impacts from illegal immigration, but so does social security. There is balance between border patrol and social security. While border security spends billions of dollars trying to put out new technology, fencing, and patrols along the border to prevent illegal immigrants from entering the United States, social security is being bolstered by those undocumented people that have a social security number not their own, or a simply made up one. Billions of dollars go into the program from illegal workers that will never collect. Therefore, the impacts of social security and border patrol do have a balance, but a balance that cannot be understood.

While social security gains money from undocumented immigrants, border security is spending in new ways to prevent illegal immigrants from coming in the country. The solutions seem endless, but the facts are one: illegal immigration cannot entirely be prevented and its impacts and costs are greatly concerned.

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Impact of Illegal Immigration on Law Enforcement

By Mariam Mohammadi

ABSTRACT

With illegal immigration growing every year in the U.S. the local law enforcement has much to deal with, but with very little power to take action. The deportation of illegal immigrants has usually been the job of the federal government. However, up until recently Immigration and Customs Enforcement (ICE) has been training local and state police officials to enforce illegal immigration laws. There is, however, a debate on whether local law enforcement should have the power to deport criminal illegal aliens. If the federal government does decide to continue letting ICE train local law enforcement then this could mean that the cost of illegal immigration to local and state enforcement could be lowered.

INTRODUCTION

Illegal immigration refers to the migration of people stepping into a country in such a way that they are violating the immigration laws of that country. Illegal immigration has been a growing concern for the citizens of the U.S. The amount of illegal immigrants that have been stepping onto U.S. territory has been growing over the years. They impact all parts of the country. These undocumented immigrants affect the economy, the government, and people's everyday lives. The amount of illegal immigrants that have been crossing U.S. borders has been so great that Immigration and Customs Enforcement (ICE) has been overwhelmed. This agency, that deals with the deportation of illegal immigrants, has found that their task is difficult. Trying to find and deport the

estimated eleven million illegal immigrants in the U.S. would be next to impossible (Branch, 2007). That means that the amount of illegal immigrants in the U.S. is about the size of the population of Los Angeles and San Francisco counties combined.

Illegal immigrants impose many costs on the government, including the local law enforcement. When an illegal immigrant commits a crime he imposes a cost in local police departments for enforcement, arrest, jail, booking fees, and the cost of prosecution. When an illegal immigrant commits a crime, he forfeits his chance of becoming a citizen. Each year there are between 40,000 to 70,000 illegal immigrants that pass through local jails nation wide. Immigration and Customs Enforcement hopes to train local authorities to screen for illegal immigrant status, which will reduce local law enforcement costs through the deportation of criminals.

However, there is controversy that surrounds this issue and many other issues on how law enforcement is dealing with illegal immigrants. Law Enforcement in the U.S. has been getting a lot of backlash on illegal immigration because of the way they have been handling the issue. Law enforcement and U.S. law have been contradictory to the goal of deporting illegal immigrants. The nation feels that in order to contain illegal immigration, laws and law enforcement must not contradict one another; instead they must work with each other to attain their goal. ICE training local police and the U.S. creating good laws will reduce the costs to local law enforcement, because there will be fewer illegal immigrant criminals to deal with.

BACKGROUND

There is no way of talking about law enforcement pertaining to illegal immigration without first talking about Immigration and Customs Enforcement (ICE).

The agency is part of the Executive Branch of the federal government, and is responsible for the deportation of illegal immigrants. ICE is “the largest investigative arm of the Department of Homeland Security (DHS), [and] is responsible for eliminating vulnerabilities in the nation’s border,” such as the entrance of illegal immigrants (Immigration and Customs Enforcement, 2007). Other than border operations, ICE goes after those who commit document fraud and it monitors worksites. In 2005, ICE introduced the Secure Border Initiative (SBI), which focuses on serious threats to national security when illegal immigrants cross the border. Currently, ICE is trying to work with local law enforcement agencies to train them in arresting and deporting illegal aliens.

According to Sergeant John Liu of the Fremont Police Department, arresting illegal immigrants costs the city \$149, 000 per year. He also mentioned during his interview that arrest and jail fees would come out to be at about \$200 to \$300 for each event. Of course, these numbers differ from state to state. It is therefore safe to say that if ICE does train local authorities then the cost to local law enforcement agencies would decrease through the deportation of illegal immigrants that commit crimes.

Like ICE, local law enforcement today is being overwhelmed with the amount of illegal aliens that they have to deal with. However, unlike ICE, local law enforcement agencies do not have the power to deport illegal immigrants that they find are committing crimes. It is only ICE that has the power to deport illegal immigrants. This has been frustrating to local police. According to Maricopa Country (Arizona) Sheriff Joe Arpaio, “Right now if you came across an illegal, law enforcement would have to stop everything, call [federal immigration agents] and hope they come over and pick up that

person” (2007, p. 1). While in the past local law enforcement agencies have stayed out of immigration enforcement, there are now at least 42 agencies that are asking the federal government for more power, including the authority to have their officers make arrests and deport illegal immigrants. Between 2002 and January 2007, there were 188 police and correction officers from eight different agencies that have been given that authority. If pending applications by the federal government are approved there could be more than 530 officials approved for more authority over illegal immigrant deportation (Billeaud, 2007, p. 1). Sergeant Liu of the Fremont Police Department would like to see ICE train patrol officers because they deal with the greatest number of illegal immigrants in Fremont.

Marcy Forman, the director of investigations for Immigration and Customs Enforcement, stated that training local law enforcement would be “a force multiplier” (2007, p. 1). There are many fears by the public that if local law enforcement did have this power they would be out looking for illegal immigrants. This, however, is not the case. Local officers could only make an arrest while carrying out their regular duties. They would not be able to do raids, nor would they have the power to set up roadblocks only for the purpose of arresting and deporting illegal immigrants. Currently, there are only two state agencies that have the power to do so.

The training for jail and prison officers is meant to speed up the deportation process for those criminal aliens after serving their time, therefore “reducing local corrections costs because it gets them in the hands of federal authorities quicker” (Billeaud, 2007, p. 1). It is through questioning and database checks that officers can then determine if that person is an illegal immigrant. Once they have figured that out then they

can deport the illegal immigrant. As of January 2007, there are forty-two local law enforcement agencies that are applying for more power from the Federal government. Of those, there are twenty-one that want more power for jail officers, there are fourteen that want to make illegal immigration arrests, and there are seven that want both of those powers from the federal government. The training also includes “lessons on immigration law, anti-racial profiling efforts and instructions on questioning people about their immigration status without violating civil rights” (Billeaud, 2007, p. 1). These classes range in length from four to five weeks.

LEGAL ISSUES

In October of 2002, Lee Malvo, an illegal immigrant from Jamaica, and John Allen Muhammed became known as the “D.C. Snipers” when they went on a shooting rampage in Washington, D.C. From 1996 to 1999, an illegal immigrant named Angel Resendiz had committed a series of murders, which gave him the name of the “Railway Killer.” In February 2004 in New York, a woman was gang raped and then murdered by five illegal immigrants. Then on September 11, 2001, there were nineteen Arab hijackers who had overstayed their visas who flew planes right into the World Trade Center. All of these crimes share something in common, and that is that they have been at least in part committed by illegal immigrants, and except for the hijackers they had been arrested by either state or local officers prior to these major crimes (Booth, 2006). There is an argument that if state and local police were trained to arrest and deport these criminals, and if immigration laws were enforced, then these crimes may have been prevented.

Many suggest that strict immigration policies, training local law enforcement, and enforcing immigration laws would not only prevent crimes from being committed by

illegal immigrants, but it would also bring down the costs of illegal immigration to local law enforcement. It is the logic that with the training and the laws the police would be able to deport the criminals the first time they are arrested and convicted of a crime, which will decrease the amount of illegal immigrants that the police will have to deal with. Therefore, when there are less illegal immigrant criminals to deal with, then there is a decrease in costs to the local law enforcement agencies.

There are an estimated eleven million illegal immigrant that reside in the U.S., with an additional 80,000 joining each year. Furthermore, there are 86,000 criminal illegal immigrants that live in the U.S. Moreover, the number of illegal immigrants in the U.S. is substantially more than the amount of immigration agents, by 5000 to 1 (Booth, 2006). Given these numbers, it is obvious that the government has more than it can handle. It is under these circumstances that an initiative to use local law enforcement personnel to identify illegal immigrant criminals and deport them is an important program to aid ICE in the fight against illegal immigration.

The Constitution does not clearly state the power that the federal government has over regulating immigration. Up until recently the federal government has been considered the sole law enforcement against illegal immigration. However, today it is argued that the state government, a sovereign entity, has the power to regulate and enforce immigration laws and regulations. Since the Constitution does not clearly define who has the power to enforce illegal immigration law some say that the State has the power. However, there are many that would disagree with this.

In the past couple of years there has been legislation that has been proposed to give the state government the power to enforce illegal immigration laws. On June 30,

2005 Representative Norwood introduced the CLEAR Act of 2005, which provides the state and local government personnel with the power to have “the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States” (Booth 2006). The Clear Act of 2005 was sent to the Senate Judiciary Committee, however as there was not any other action taken on the Clear Act it died in committee.

The public has been asking for more immigration laws and regulations to deal with the immigration problem. The government has been trying to come up with solutions for this problem. However, it has been frustrating for many, because while the federal government’s goal is to deport illegal immigrants, their actions may say otherwise. A good example of this would be how the government is letting illegal immigrants pay their taxes. Although they do not have social security numbers the IRS is giving them identification numbers. Those organizations that want immigration enforcement to be stricter have criticized the government for this. They argue, “allowing them to file returns, pay taxes, and receive refund checks legitimizes their illegal presence” (Bernstein, 2007). When the government continues to legitimize the presence of illegal immigrants it makes ICE’s and local police’s job more difficult. This contradicts their goal to deport illegal immigrants, thus causing local law enforcement to continually deal with illegal immigrants when the majority of local law enforcement only has the power to make a phone call to ICE.

Analysis

The public has been paying more attention to local law enforcement concerning illegal immigration powers. According to immigration analysts, “interest in such

agreements is growing because the public is getting more frustrated with America's broken immigration system" (Billeaud, 2007). Those that support local enforcement gaining power to arrest and deport illegal immigrants say that police should join ICE because it only has "5,800 agents to enforce immigration law in the nation's interior" (Billeaud, 2007). However, those that oppose local enforcement gaining power to enforce illegal immigration say that officers could lose the trust that they have gained over the years from immigrant communities. Not only that, but if local and state police agencies gain the power to enforce illegal immigration, it might lead to racial profiling. Michele Waslin, the director of immigration and policy research for the National Group of La Raza, a group that advances Hispanic issues, states their "experience is that when local police engage in that activity, there are civil rights violations" (Billeaud, 2007).

Those that oppose state and local law enforcement gaining power to enforce illegal immigration have argued that it is only the federal government who has the power to arrest and deport illegal immigrants. However, according to the Nationality Act, it "authorizes the Secretary of Homeland Security to enter into a written agreement to delegate the authority of enforcing federal immigration laws to a state or political subdivision of a state" (Fitton, 2006). ICE is also allowed to train local authorities on immigration enforcement through Section 287(g), which is cross training. As of June 2006, those local law enforcement officials that have been trained in enforcing illegal immigration laws have arrested 820 illegal immigrants since 2002, which was when the program first began (Fitton, 2006).

Those police agencies that have not been able to get the power they have wanted have been taking other steps to enforce illegal immigration. Sheriff Arpaio created a

special force of two hundred and fifty people to enforce a law in Arizona that made immigrant smuggling a state crime (Billeaud, 2007). In the months since January 2007, Arpaio and his office had made more than three hundred and eighty arrests. However, the law only allows him to go after those people who are involved in smuggling humans. Arpaio states that he needs more power and he will not stop fighting for it.

Each year there are between forty thousand to seventy thousand illegal immigrants that pass through local jails in the U.S. ICE wants to train local and state police agencies because, not only will it reduce costs to those agencies, but ICE and Homeland Security are overwhelmed with the amount of work that they have. Teams whose jobs it is to make sure that those illegal immigrants who are ordered to leave do leave have a “backlog of more than six hundred thousand cases and [cannot] actually accurately account for the fugitives’ whereabouts” (Associate Press, 2007). The number of illegal aliens in the U.S. is estimated to be eleven million (Branch, 2007). Of that number about 5.4% of them are believed to be fugitives. Although fifty-two fugitive operation teams have been given more than \$204 million for their cause, it is still not enough (Associate Press, 2007).

Although there are many police and state law enforcement agencies that do want more power from the federal government, not all police agencies feel the same way. The San Jose Police Department has a hands-off approach to illegal immigration. The Vice Mayor of San Jose, Dave Cortese stated, “We won’t enforce the politics of fear with our local police department” (Bailey, 2007, p. 1B). Currently, San Jose is facing a lawsuit by two residents, Roberta Allen and Carol Joyal, who want police to crackdown on illegal immigrants. According to Chief of Police Rob Davis, his “officers will not arrest people

for federal immigration violations because it would discourage residents from cooperating with police or reporting other crimes” (Bailey, 2007, p. 4B). The lawsuit against the San Jose Police Department claims that the SJPd did not comply with the state law that states that police must report to federal authorities when they arrest someone on drug charges and are suspected of not being a U.S. citizen (Bailey, 2007, p. 4B)

Although there is great disagreement regarding whether ICE should train local and state police on enforcing immigration laws, it cannot be denied that those that ICE have trained have been very successful in enforcing these laws and thereby decreasing costs to local authorities. For example, ICE has been very successful with working with local law enforcement in Norristown, Pennsylvania. Together they had captured thirty-seven illegal immigrant criminals. According to an ICE press release, there was a four-day sweep targeting sixty-one suspected fugitive illegal immigrants. On April 2, 2007 federal agents partook in Operation Return to Sender, which is “a nation wide ICE program that hunts, locates and apprehends immigration fugitives” (Phucas, 2007). The immigration agents worked with the local police and had arrested thirty people in the span of three days. The illegal immigrants had come from Brazil, Dominican Republic, El Salvador, Guatemala, Honduras, Lebanon, Mexico, Slovakia, and the United Kingdom.

Eleven out of the thirty illegal immigrants that were arrested were found to have criminal records. Their records included sexual abuse, endangering the welfare of a minor, theft, motor vehicle violations, narcotics violations, and driving under the influence (Phucas, 2007). During these arrests, police had also found fraudulent

documents, drugs, and weapons. One of the people arrested was a forty-four year old illegal immigrant by the name of Vicorino Anaya Reza who was “a fugitive with convictions for sexual abuse and endangering the welfare of a child” (Phucas, 2007) Two brothers were also arrested and when their home was searched federal agents found a “Chinese AK47, rifles, sawed-off shotguns, a large quantity of marijuana, ammunition, \$71,000 in cash, and numerous fraudulent documents” (Phucas, 2007).

As of today, ICE working with and training local law enforcement has had a good impact on the nation. More illegal immigrant criminals are being deported out of the nation and much faster. When more illegal immigrants that commit crimes are deported it reduces costs to local law enforcement. However, ICE has just begun training local and state police officials. The full impact of training local authorities has not been seen yet. Although the impacts of training local police have been good so far, things could change in the future. For now though, local and state police have been a great aid to ICE and to reducing costs to their local department and city.

BUDGETARY IMPACTS

Illegal immigration has budgetary impacts that affect all parts of the U.S. It especially affects law enforcement, which ends up affecting the city and the state. According to Sergeant Lui of the Fremont Police Department illegal immigration brings costs his department and to the city. John Lui stated, “The officer’s time, the average cost to the city, including all the officers’ benefits, is \$149,000 per year.” He also stated that when it comes to the arresting and jail fees it would be estimated at about \$200 to \$300 per incident, which are typical numbers in California. According to Sergeant Lui, although an illegal immigrant may be arrested for a crime he committed, he can only be

held in jail for a certain amount of time. The amount of time that an illegal immigrant serves in jail depends on the crime he committed. If the immigration agents do not show up before they are released, the police must let them go. This affects local law enforcement in that it makes the costs even greater for them, because some of the illegal immigrants who commit crimes and are released end up committing more crimes. They end up in jail again, costing the local law enforcement and the city more money.

Illegal immigration also has costs related to training those local and state officials that have been granted the power to enforce illegal immigration laws. This enforcement training or “cross designation training” is a five-week process. This five-week program would cost \$520 per officer (Fitton, 2007). As of January 2007 there have been one hundred and eighty-eight local police who have had this training, with a total cost of \$97,760 since January 2007 alone. This number is likely to get much bigger as more departments join the program and more officers are trained.

When illegal immigrants are put in jails it also costs the city. Illegal immigrants have been straining county jails. A good example would be how Sheriff Jones of Ohio’s Butler County had fifteen illegal immigrants in his jail. The bill for that came out to be \$71,600. Another example is how Umatilla County Sheriff John Trumbo got so fed up with housing illegal immigrants that he sent a bill to Mexican President Vicente Fox. The bill stated, “5,061 beds were used by your citizens at a cost of \$63 per day which equates to a request for payment of \$318,840” (Taylor, 2006). This included medical, dental, and transportation costs. Recently, taxpayers had to pay \$7,000 for an illegal immigrant who had to “have his jaw surgically repaired, after he got in a jailhouse brawl” (Taylor, 2006).

In Arizona's County of Santa Cruz, 40% of the jail inmates are illegal immigrants or "Mexican nationals." Santa Cruz and Arizona's three other border counties have "asked the federal government for \$22.2 million... to cover the cost of jailing thousands of illegal immigrants" (Taylor, 2006). Instead, the counties had received \$731,000 from the federal government. As one can see, the cost of illegal immigration to local law enforcement, the city, and the state is far greater than one would imagine.

CONCLUSION

Each year nation wide there are between 40,000 and 70,000 illegal immigrants that pass through local jails. Those illegal immigrants who commit crimes end up imposing a great cost to local law enforcement and the city. Recently, Immigration and Customs Enforcement has been training local and state police authorities to deport illegal immigrant criminals in enforcement of illegal immigration laws. As each year passes by, more illegal immigrants enter the U.S. With the growing amount of illegal immigrants, local police want to have more power to deal with the criminals among them. The number of local and state police being trained by ICE has been growing, and will keep growing. From looking at the trend of how many local and state officials have been trained over the years, and from the success of training them, it is safe to conclude that more local authorities will be asking for more powers and will be receiving it.

ICE has been overwhelmed by the number of illegal immigrants they have to deal with. At the same time local law enforcement has not had the power to deport criminal illegal immigrants. Working together has so far showed good results. Furthermore, when there are more criminal illegal immigrants that are being deported out of the country, there is a decrease of long term costs for recidivism to the local law enforcement agencies

and to the city budgets. If local and state law enforcement officials do continue to be trained by ICE then there is a very good possibility that as a nation, overall, the costs of illegal immigrant criminals to the local government will decrease over time.

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Illegal Immigration and Local Programs

By Anngiely N. Salvacion

Introduction

According to Cynthia Becker, author of *Immigration and Illegal Aliens, Burden or Blessing*, an illegal immigrant is “a person who entered the United States using fraudulent documentation, without a visa, used a temporary visa, and/or stayed beyond the time allowed” (Becker, 2006). Over the years, the United States has been experiencing immigration growth beyond the legally authorized numbers through the undocumented aliens. Illegal immigrants in the United States often lack sufficient resources to provide themselves and their families with everyday needs, due to legal barriers. Many states offer programs to assist residents regardless of their legal status, which provide for employment assistance, education, and personal necessities. For instance, in Santa Clara County, local programs such as Day Labor Centers, English as a Second Language, and San Jose Strong Neighborhood Initiative do not require proof of one’s legal status to obtain services, thus many illegal immigrants are able to utilize these programs. However, although there have been many studies conducted on the impact of illegal aliens on local programs’ funds, there is no accurate evidence.

Illegal Immigrants and Countries of Origin

Illegal immigrants come from all over the world, although they are primarily from Mexico (56 percent) and are predominately of Latino descent (Johnson, 2006). Likewise, 24 percent of illegal immigrants are from other Latin American countries, such as Guatemala, Honduras, Ecuador, Dominican Republic, El Salvador, and Columbia

(Johnson, 2006). Other illegal immigrants come from Asian countries, such as China, India and the Philippines, and various European countries, including Poland and the former Soviet Union, according to Robert Warren, author of Estimates of the Unauthorized Immigrant Population Residing in the United States: 1990 to 2000 (Passel, 2005).

Age, Gender, Education –Illegal Immigrants Characteristics

Types of illegal immigrants

Determining who and what type of illegal immigrants are in the United States is complicated because people are reluctant to participate in research and surveys. In order to develop an estimate of what types of undocumented immigrants are out there, experts use the probability method (Johnson, 2006). To find results, experts take several factors into consideration, such as “education, family characteristics, and year of entry, occupation, and nationality” (Johnson, 2006). According to the Center for Immigration Studies Backgrounder, majority of illegal immigrants are adults, men, and reside in the country with U.S. born children and/or family.

Illegal immigrants in the United States often lack sufficient education. The Center for Immigration Studies Background found over half of illegal immigrants between the ages of 25-64 are not high school graduates which has limited their job skills and led to an increase in poverty (Passel, 2005). Because many illegal immigrants are considered to be “uneducated,” it has created an impact in poverty results (Johnson, 2006). In 2003, experts determined that about 27 percent of illegal immigrants who were over the age of

18 lived below the poverty line, while . In addition, children were also affected with 39 percent of illegal immigrant children live in impoverished conditions (Johnson, 2006).

Reasons why illegal immigrants come to United States

Economy

Many undocumented immigrants take dangerous risks to stay in the United States illegally because of the resources that the country offers. According to *Crossing the Border: Research from the Mexican Migration Project*, by authors Durand, Jorge, and Douglas, the primary reason why people enter the United States illegally is because of economic motives and family needs (Johnson, 2006). Because of the United States' strong economy, it appeals to many illegal immigrants. Since many countries lack successful market economies, illegal immigrants are drawn to the United States for economic reasons and incentives. Undocumented aliens are willing to work in the United States because job wages are much higher than in their previous country (Johnson, 2006). For example, in Mexico an average worker earns less than one ninth what he could earn in the United States for comparable work. Moreover, Mexico's minimum wage is about one tenth of that in the U.S. (Johnson, 2006). According to experts, many U.S businesses and employees are willing to hire illegal aliens, thus building the hope of illegal immigrants for a better life (Johnson, 2006).

In fact, 75 percent of undocumented aliens contribute to the United States' work force. Illegal immigrants flock to the United States when the United States is economically strong (Johnson, 2006). In the 1990s, when the United States' economy was at its peak, job opportunities were readily available and unemployment was low, illegal immigrants came to the country in record numbers (Johnson, 2006). Although the illegal

immigration population is increasing in the United States, so are population rates in the entire United States population.

Family

Some illegal immigrants are able to reach the United States because of having U.S. citizen family members. According to researchers, undocumented immigrants with family members already here are more likely to go to the United States than those who do not have family ties to the country (Johnson, 2006). If illegal immigrants have family in the United States, they are able to have assistance in settling, such as shelter (Johnson, 2006). The transition for illegal immigrants to the United States is much easier when they live with U.S. family members. Illegal immigrants have a support system, which is able to guide them to their new surroundings (Johnson, 2006). In addition, U.S. family members are able to provide vital information to illegal immigrants, such as job opportunities (Johnson, 2006).

Another aspect of illegal immigrants and family members in the United States is “Immigration Reform and Control Act of 1986” (Johnson, 2006). During the late 1980s, over one million immigrants who resided in the United States were permitted to apply for legal permanent resident status allowed permanent U.S. residents to bring family members from other countries to live here (Johnson, 2006).

Employment

Illegal immigrants have a huge impact on the United States’ job market. According to Jeffery Passel, author of *Unauthorized Migrants: Numbers and Characteristics*, about 1 in 25 workers in the United States is undocumented (Passel,

2005). Illegal immigrants work in all industries, but participate in a majority of jobs that are low skilled (Johnson, 2006). Illegal immigrants are able to work in retail trade including restaurants, hospitality (hotels), construction, services (household cleaning and gardening services) and manufacturing (textiles) (Johnson, 2006). Although studies have been conducted to determine if illegal immigrants are taking jobs away from legal citizens of the United States, there is no concrete evidence that illegal immigrants and immigrants are affecting employment and wages (Johnson, 2006). However, some studies say otherwise, and according to other experts, illegal immigrants do have an effect on low-skilled employment (Johnson, 2006). For American men who did not receive a high school diploma, their earnings decreased by 4 percent because of illegal immigrants are taking their jobs (Johnson, 2006).

Education

One major reason why illegal immigrants might come the United States is to get an education for their children. The issue of education and illegal immigrants has been controversial, with demonstrated impacts from unanticipated numbers of new children in some school districts. The Government Accountability Office concluded that there is insufficient information to prove that illegal immigrants are affecting nationwide funding for education (Johnson, 2006). Others believe that children of illegal aliens do cause a substantial effect on public finances because children who are born in the United States of illegal immigrants parents are considered legal citizens, and are able to receive an education in the country's public school system (Johnson, 2006). The United States Congressional Budget Office found that illegal families receive significant amounts of

government-funded services, mostly in education, which has affected many states (Passel, 2005).

Illegal immigrants and local programs

California

California is experiencing fiscal affects because of illegal immigration. According to the California Department of Finance, about 73,000 undocumented immigrants settle in California, making the state ranking number one, with the most illegal immigrants in the United States, about 2.4 million (Johnson, 2006). California's population has increased 12 percent in a decade (Johnson, 2006).

Although illegal immigration is a major issue, it is not the top concern for residents living in California. The Public Policy Institute of California (PPIC) conducted a statewide survey in October 2005 asking Californians an open-ended question about what issues concern them (Johnson, 2006). The results from the survey found that only 9 percent who responded answered that illegal immigration is a main concern in California (Johnson, 2006). Although the October 2005 open-ended survey conducted by PPIC found that illegal immigration is not a concern, answers were different five years earlier. In February 2000, the PPIC asked Californians directly whether or not illegal immigration is "a big problem" (Johnson, 2006). The study found that 42 percent of respondents found illegal immigration a "big problem," 40 percent "somewhat of a problem," and 16 percent "not a problem" (Johnson, 2006). It is clear that Californians' attitudes towards illegal immigration vary from year to year. For example, in a 1999 survey, 75 percent of respondents believed that illegal immigrant children should not be

ban from public schools in California (Johnson, 2006). Moreover, in 2005, about 53 percent stated that access to public services should be granted to undocumented immigrants and their children. Illegal immigration is evident in California and its cities, and effects education and various local services as well.

Santa Clara County

The U.S. Census Bureau estimates that there are 1,699,052 residents in Santa Clara County (U.S. Census Bureau, 2007). Richard Hobbs, the director of the Santa Clara County Office of Human Relations, estimated that there are more than 100,000 unauthorized illegal immigrants residing in the county, who are predominately Latinos (EBASE, 2006). The Santa Clara County cities offer local government programs for immigrants such as day worker centers and the schools offer English as a Second Language (ESL) programs. A constant debate has continued about the negative effects illegal immigrants have on local programs. One topic often debated is whether or not illegal immigrants pay taxes, and whether their taxes cover the local government services and facilities that they use (EBASE, 2006). A study conducted by the Center for Continuing Study of the California Community found that low income legal families, as well as illegal immigrants, do not pay enough taxes to equalize the use of local programs (EBASE, 2006), demonstrating that usage of local government programs is not based on a legal issue, but on a person's economic standing (EBASE, 2006). Although Santa Clara County does not calculate the number of illegal immigrants who uses the county's services, there is no concrete evidence that they are putting a damper on the county's budget (EBASE, 2006), although ethnic prejudices may lead some to believe that the local economy is being negatively effective.

Illegal immigrants in the United States lack sufficient resources to provide themselves and their families with a decent standard of living because without documents they cannot prove a right to work. Without the existence of local programs, illegal immigrants would have difficulty finding employment, education, and personal necessities. Local programs, such as Day Labor Centers, English as a Second Language, and San Jose Strong Neighborhood Initiative do not require proof of one's legal status to obtain services, thus many illegal immigrants utilize these programs.

Local Services

Although there is no definite answer found, a study conducted by an organization that promoted the reduction of immigrants found that illegal immigrants caused a “net fiscal drain” locally because they consume more local services, not because they have low amount of income or low tax payments (Johnson, 2006).

Day Worker Program

Although day labor jobs are informal, it is a large part of California's economy. Experts have difficulty accurately measuring the impact of illegal immigrants, according to Vice President of the U.S. Commission on Immigration Reform, Michael Teitelbaum. Many retail, construction, and agribusinesses, according to Teitelbaum, benefit from the availability of undocumented workers (Streitfeld, 2006). Those who oppose illegal immigrants in local neighborhoods believe that illegal immigrants affect job opportunities for native U.S. citizens, but according to economists, the impact of illegal aliens creates more positive results for the United States residents (Streitfeld, 2006).

There is no concrete evidence that illegal immigrants are affecting the local economy, but many Californians are concern with the rapid increase of undocumented

immigrants in neighborhoods. Whether a child in school is an illegal immigrant or a U.S. citizen with illegal immigrant parents, he or she has access to public schools and programs (Streitfeld, 2006). In Palo Alto, California, the Center for the Continuing Study of the California Economy estimated that California spends about \$6 million a year to cover school costs and classrooms have been strained because of an increase in student population (Streitfeld, 2006).

There is a lack of evidence that illegal immigrants affect job opportunities for native-born citizens, but Harvard economists George Borjas and Lawrence F. Katz of the National Bureau of Economic Research disagree. According to Borjas and Katz, between the years 1998-2000 illegal immigrants caused an 8 percent decrease in wages for U.S. high school dropouts (Streitfeld, 2006). In addition, illegal immigrants who are day laborers most often do not pay income taxes (Streitfeld, 2006). Day laborers may cheat state and local city coffers, but the people who hire them are as well, because job providers do not use the proper payroll tax system (Streitfeld, 2006). Moreover, when illegal immigrant workers affect local economy, local programs are impacted as well.

Day Worker Center of Mountain View

Day labor programs are prominent in many local neighborhoods. Day laborers are predominately men of Latino descent (Streitfeld, 2006). Many day labor workers are illegal immigrants and do not have proper paper work, pay taxes, or follow any safety procedures. Likewise, day laborers do not have fixed work schedules and are often paid with cash (Streitfeld, 2006). In a personal interview Maria Marroguin, Executive Director of the Day Worker Center of Mountain View, discussed the history of the program, what it is, services it offers, and how it effects society. The program started in 1996, when

various laborers congregated around the streets of Los Altos, California looking for jobs.

The City of Los Altos proposed an ordinance to have all day laborers off the street. Eventually, the regulation passed and day laborers had no place to go (M Marroguin personal communication, April 18, 2007). The Day Labor Worker Center then opened in Los Altos, but reached capacity limits. Eventually the center moved to a Protestant church under a temporary lease in 2002.

The Day Labor Worker Center in Mountain View, according to Marroguin, serves about 84 workers, and on an average day about 20 workers find work (M Marroguin personal communication, April 18, 2007). On a typical day, workers arrive at the center before 8 a.m. and wait for daily job opportunities from new and old clients, until 2 p.m. The program, according to Marroguin, gets funding from various foundations, sponsors, and private donors. The program has been economically stable, receiving \$75,000 a year from a foundation. Many Bay Area day labor programs, such as in San Jose, receive city funding. Marroguin stressed the fact that The Day Labor Worker Center has worked harder for funding than any other day worker agency because the program receives no governmental aid.

The Day Labor Worker Center has a “don’t ask, don’t tell” policy, where workers are not asked about their legal status. Marroguin’s job is to provide stability and safety for workers and clients by requiring both parties to fill out an application with basic information. The Day Labor Worker Center is unique and gives workers a “sense of freedom,” according to Marroguin, because they set their own wage of at least \$10 for an hour. Marroguin’s viewpoint on the center is that it helps society. “Instead of having day

laborers on the streets, the center provides them with safety and most importantly an opportunity to contribute to society.”

Although Marroguin sees the downfalls of illegal immigration, she stated, “Immigrants, legal or illegal, go to America to create a better life for themselves and their family.” Marroguin acknowledged the fact that illegal immigrants are affecting population rates in the United States, but argues that undocumented aliens are an asset to society. Moreover, illegal immigrants, according to Marroguin, contribute not only to the United States, but also to their homelands. Mexico is virtually dependent on legal and illegal immigrants to send money back to their country, thus fueling the economy (Becker, 2006). Besides oil, Marroguin stated, “The second form of dependent revenue for Mexico is remittances, and with out it, the county would crumble.”

Although not every day worker is able to work every day, the workers take initiatives to learn about the American culture. Every week volunteers teach day laborers in Mountain View about American culture, history, rules and laws. Moreover, English as a Second Language teachers volunteer to teach the English language (M Marroguin personal communication, April 18, 2007). Marroguin believes the volunteers will prepare day laborers to be more informed about the country. Marroguin stated, “Transitioning to a new culture is difficult. I know from experience [that learning] the culture, laws, and the language [is] overwhelming, but day laborers in this program will be able to utilize their knowledge, and put it to good use to the country.” Local programs, such as the Day Worker Center of Mountain View, are an ingenious resource for illegal immigrants.

English as Second Language and San Jose Unified School District

According to www.immigranttoolbox.com, English as Second Language is “English language training for individuals whose first language is not English...to help participants learn English reading, writing, listening and speaking skills” (Immigration Tool Box, 2007). Santa Clara County has about 18 English as Second Language program locations. The San Jose Unified School District (SJUSD) has over half of the ESL program in the county, with 10 locations within the city (SJ Library, 2007).

The SJUSD, which serves the majority of San Jose neighborhoods, is the “11th largest school district in the nation” (San Jose Unified School District, 2007). The district has a diverse student body, with 49 percent Hispanic, 41 percent Caucasian, 13 percent Asian, 3 percent African American, and 4 percent of other ethnicities (San Jose Unified School District, 2007). The City of San Jose is diverse, as reflected in the city’s school district. With a majority of the students of Hispanic descent, 62 percent of students are classified as “non-white” (San Jose Unified School District, 2007). The student body population in the SJUSD includes about 30 percent of students who are not proficient in English (San Jose Unified School District, 2007), who benefit from English as a Second Language (San Jose Unified School District, 2007).

California school districts have four sources of funding: property taxes from the district’s property owners, donors, federal funding, and state funding (San Jose Unified School District, 2007). All local school districts in California are heavily dependent on the state, which funds about 54% of the school district’s \$250 million budget (San Jose Unified School District, 2007). The budget alone has two separate funds: the general-

purpose fund and the categorical fund. The ESL program in SJUSDS falls into categorical funds and receives 35% of the school district's budget (San Jose Unified School District, 2007). In SJUSD, budgets are mandated by state and federal policies. ESL is an exception to the SJUSD restriction because it concerns a "special program," therefore funding is limited and enforced by the school district (San Jose Unified School District, 2007).

Viewpoints on English as Second Language

California students, regardless of their immigration status, are able to receive public school education and programs, such as English as Second Language (ESL). The question is whether or not undocumented children are affecting the cost of the program. Midobuche questioned whether or not to support education for illegal immigrant children. ESL, according to the Midobuche, is a "naked attempt to marginalize children who already are at risk in our system...divide the teaching profession and serve to fuel anti-immigrant sentiments" (Midobuche, 2001).

In addition to separating the immigrant children from mainstream children there is also a question of whether ESL services for illegal aliens are affecting the distribution of scarce funding within the public school system. For example, in Vancouver, Canada, 57 percent of children are bilingual; therefore speak a different language at home (Dwyer, 1997). With immigration rates increasing, the ESL program experienced an affect on the program's funding. In 1996, ESL programs in Vancouver experienced a 50 percent enrollment increase, which many speculated was due to the fact that immigration rates were greater than previous years (Dwyer, 1997). According to Education Minister Paul Ramsey of Ontario, Canada, general education funds were cut to about \$ 27 million

dollars in order to have sufficient funds for the ESL program (Dwyer, 1997). Moreover, the ESL program's funding had to be at least \$1 million in order to cater to each student (Dwyer, 1997).

Just as the illegal immigration rate rose, so did the schools' enrollment rates. In the state of California alone, school districts experienced a twenty five percent increase in student enrollment rates (Dwyer, 1997). Because student rates in California schools increased, several felt the need for more funding for ESL (Dwyer, 1997). The result is that as funding is allocated for ESL, there is less finding available per capita for the other students and other programs.

San Jose Strong Neighborhood Initiative

The San Jose Strong Neighborhood Initiative (SNI) is an important neighborhood improvement effort for residents in San Jose. The organization gives selected neighborhoods funding for improvements using city resources (National League of Cities, 2005). The SNI was created because of several complaints from San Jose residents who felt they were not receiving equal amounts of funding in their neighborhoods as compared with the downtown (National League of Cities, 2005). Eventually, the SNI was created, and the city funded the program with \$100 million (National League of Cities, 2005). The SNI covers 19 neighborhoods in San Jose, and provides funding from the Redevelopment Agency's tax increment fund (National League of Cities, 2005). SNI's vision is to have neighborhoods in the City of San Jose be "stronger, educated, better advocates, and users of city services," according to Salvador Alvarez, a SNI neighborhood team member (S Alvarez, personal communication, April 18, 2007).

Alvarez works in a predominately migrant neighborhood, San Jose's Eastside

District for SNI. The neighborhoods in Eastside San Jose, according to Alvarez, have a major problem with overcrowding, because “property owners rent a house intended for only four people to 16 people.” (S Alvarez, personal communication, April 18, 2007). Moreover, Alvarez stated, “Neighborhoods in the Eastside are also overcrowding and affecting city streets and parks.”

The SNI offers various programs to neighborhoods, including one that benefits immigrants, whether legal or illegal, the Volunteer Income Tax Program (VITA) (S Alvarez, personal communication, April 18, 2007). According to Alvarez, since 2004, SNI offers VITA to help assist those in the San Jose community prepare federal income tax returns. Moreover, the program does not require residents to show proof of Social Security. Alvarez believes that VITA has been a helpful and successful program for SNI.

Although SNI services have increased, especially in the Eastside District, Alvarez stated it is not because of illegal immigrants, but due to more residents paying more attention to issues in their neighborhoods. Every year, the SNI has received \$60 million for services from the city and about \$2 1/2 billion from private investments (S Alvarez, personal communication, April 18, 2007). Although the Eastside District in San Jose is experiencing overcrowding issues, funding for services has only generated \$7 million “over the past couple of years” to address the overcrowding issue. (S Alvarez, personal communication, April 18, 2007).

Conclusion

Illegal immigrants, whether negative or positive, effect local programs. For example, day labor programs give undocumented aliens job opportunities. According to the author of *The Underground Labor Force is Rising*, illegal immigrant workers are

being “paid under the table,” meaning paid on an untaxed cash basis (Becker, 2006). Thus, day workers affect taxes for U.S. residents. Local programs, such as ESL’s funding, fluctuate due to student population. In a survey Pew Hispanic Center interviewed 5,000 Mexican migrants, and found that 68 percent of them have children enrolled in the public school system (Becker, 2006). In addition, a nonpartisan research organization called Public Agenda found that 71% of Mexican immigrants do not know the English language well (Becker, 2006). Funding for local school districts is having difficulty keeping up with the rapid growth of the student population, and would need to find alternative sources for revenue to provide adequate educational service to all children (Becker, 2006) With these statistics, it is evident that the ESL program is experiencing an increasing student population, requiring a reallocation of revenue for that program, at a time when revenue to fund schools in local districts is not keeping pace with the student population growth overall.

A concern for many in the United States is that illegal immigrants are overly utilizing local programs. According to Cynthia Becker, author of *Immigration and Illegal Aliens*, many in the United States believe that undocumented immigrants are leaving taxpayers to pay for local programs, such as education and healthcare. Moreover, illegal immigrants would not contribute any tax money, leaving others to pay for programs (Becker, 2006). To support allegations about illegal immigration and local programs, The Center for the Immigration Study released a report in 2004. The study found that in 2002 illegal immigrants paid \$16 billion in taxes, but used \$23.3 billion in local and governmental programs (Becker, 2006). To contest the Center for the Immigration Study, economist Stephen Moore of the Cato Institute found that “Immigrants, whether legal or

illegal, use many government services- particularly at the state and local levels, but they pay a lot in taxes” (Becker, 2006). Moore concluded that immigrants contributed \$162 billion in 1998 to annual taxes (Becker, 2006). Although there are various studies conducted to find out whether or not illegal immigration is negatively affecting local programs, it is difficult to determine an accurate result because there is no precise measure of the number of illegal immigrants that utilize local programs.

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ILLEGAL IMMIGRATION : EXPLOITATION

Exploitation of Immigrant Children and their Labor

By: Natasha Lewis

Abstract

After child labor became increasingly unacceptable to society, the United States government worked to setup laws to protect children who were being physically abused and being forced to work long hours at their jobs while making very little money for their services. The laws that were put into effect established age requirements, work hour limits and minimum wage laws. However, even in the 21st century with these laws in effect, child labor has managed to persist. It is being discovered that immigrant children as young as five are working as laborers, so that others can profit from their work.

Introduction

Many people are aware that children in foreign countries, especially third world countries, are used for slavery purposes. They work in sweatshops in unsanitary and unsafe conditions, for hours at a time without being given breaks to use the restroom. They receive less than the U.S. minimum wage for longer hours and more work. Some do not get paid at all, and are kept not as workers, but as slaves. Many are also aware that these children are working in factories that are owned and financed by American corporations, such as Nike. Stories are told about how these children are abused when they do not complete their work in a timely manner. Some children need to work in order to provide for their families, who are often quite large in number, including immediate and extended family members.

This article will examine how immigrant children are exploited and trapped in servitude in the U.S. They are used as slaves working in agricultural fields, service industries, and often serving as sexual objects; and to serve the purpose of cheap commodities to traffickers as well as their buyers.

To understand the severity of child labor and its purpose, the definition of child labor must be explored. There is no universal recognition of what child labor is, but the general definition includes children who work in environments where they are exploited. They are caused harm by being degraded, suffering emotional and mental stress or by being physically abused. Not allowing children to attend school so they can work also falls under child labor (childlaborphotoproject.org). Those who constitute children, in the U.S., are young people who are under the age of eighteen. Many believe it is a question of maturity, but by U.S. conventions, it is age rather than maturity that constitutes one as being a child. This definition is important to keep in mind because there are a large number of children within the United States who fall under this definition. Many are of immigrant descent, or are children who have recently been immigrated into the United States to serve the purpose of laborers.

Child labor has managed to exist for as long as it has because there is no clear definition with which the international community agrees. Some would not consider children working to support their families as child labor. Rather, some would consider child labor exploitation as sexual acts, such as prostitution, or one that is becoming more prominent in third world countries, children as soldiers. Many countries, especially developed ones such as the U.S., do not keep complete records on child labor. It is a

human rights issue that continuously gets overlooked because it is not supposed to be something that is still in existence in the 21st century (New Internationalist, newint.org).

While the lack of a clear definition makes child labor difficult to quantify, there is also the problem that some do not see child labor as a negative thing. People believe that there are some positive aspects of having children work at an early age, because it teaches them responsibility and an appreciation for earning things through hard work. However, child labor has gained a negative connotation because of its association with things such as forced and bonded labor, using children as soldiers, and sexual exploitation. The focus of this piece is examining child labor as forced or bonded labor, servitude, and what researchers are calling today's modern slavery – sexual exploitation.

The illegal immigrant children who are brought to the United States to be exploited, belong to one or more of these five categories: they are working to support family, have been kidnapped from their home, sold by their parents, promised a better life in the U.S., or they are runaways. Those who come to the United States of their own free will are hoping to receive an education or the opportunity of finding a good job so they can send money back home. Soon after they arrive they learn that they will not be given what they were promised, but instead will serve as exploited slaves and/or used for sexual purposes.

Statistics

It is easy to pinpoint how these children end up in such situations, but to give an accurate count of how many of them fall victim to child labor is nearly impossible. The estimate that the International Labor Organization gives is two hundred and fifty million children. However, another estimate of five hundred million has been said to be the most accurate estimate (New Internationalist, newint.org). There are more children who have

not been included in these labor statistics as well. These children may include those who are agricultural workers, those who do domestic work, and those for which have simply not been accounted (newint.org/issue292/facts.html). However, the United Nations Children's Fund's (UNICEF) State of the World's Children Report estimates the number being in the hundreds of millions, further proving how child labor is not monitored to the same extent as other human rights issues (childlaborphotoproject.org). Regardless of the number, child labor does indeed exist.

These children, who range from ages five to seventeen, are brought to the U.S. from such countries as Mexico, China, Burma, the Philippines, and Thailand. They find themselves in New York, Florida, South Carolina, and Hawaii. They arrive coming to be laborers who do jobs such as growing fruits and vegetables, looking after farm animals, sewing clothes, making shoes, or even selling their bodies. Some of these children are doing so because they are forced into labor, being held and trapped into a life that strips them of their childhood and without being given the choice to pursue another lifestyle. Others are bonded laborers, who for the most part freely come to United States, or are being used by their parents to pay off debts. These children are told they will work for a certain amount of time to pay for their transportation and fees that were acquired in their journey to the U.S. Others are told they will work to pay back the money that is owed by their families. The problem lies in the fact that these children find it extremely challenging to gain their freedom. They are often convinced that they are continuously racking up debt through their food and shelter, and as such, must continue their work to pay back their employers for the provisions they have received. Others play a part in sexual exploitation, and they are sold like goods in the capital market.

Myths

There are many myths surrounding child labor. The first is that child labor only exists in developing countries that are poverty stricken. This, however, is not true. Child labor and the exploitation of children exist in all parts of the world, including developed, rich countries. For example, the U.S. is not seen as a country that houses immigrant children for labor purposes. Instead they are believed to be a country that is fighting to ease child labor in developing countries. Therefore, the children who work as U.S. laborers get less attention and protection. However, in the U.S. fifty nine thousand and six hundred children under the age of fourteen were found to be working illegally, while thirteen thousand one hundred children were found working in sweatshops (childlaborphotoproject.org).

The second myth is that the use of child laborers will continue to persist due to poverty, and that poverty keeps it alive. This is to some extent true, but the State of the World's Children Report explains that if we alleviate the pressures caused by poverty there is a chance to limit the number of children sold or forced to participate in labor.

Third is the notion that children workers do jobs that involve working in the garment and sweatshop industries. While this is true, a large number of children also work in agricultural fields. These myths present a problem in challenging the abuse of child labor because the focus is very narrow. The focus is not set on a realistic, broad base of industries where child labor is used. This causes the areas in need of the most attention to go unnoticed and untouched, thereby allowing exploitation of immigrant children to persist with little threat. In the agriculture industry alone, children are exposed to the most hazardous environments.

Sweatshop Workers

To further show the imbalance of attention between jobs that child laborers do, this section will focus on how children in the sweatshop industry receive the most attention but make up less of the sweatshop worker population. It may be believed that the majority of children work to produce consumer goods, but this is not the case. However, these children still matter and their situations should be examined to show the violation of child labor laws and the mistreatment they receive. The data available for the amount of children who work in this industry is also very unreliable largely due to the fact that many of the sweatshops are kept well hidden and are often masked as other businesses. These children find themselves trapped, being unfamiliar with laws and unable to communicate in English. These children, mostly young girls, work long hours making garments, dethroning flowers, and making other consumer products for little to no compensation. They work in conditions where they risk being injured from the machines and tools they are forced to use. They are often denied breaks to use the restroom and to get water. They are physically and verbally abused when they do not finish their work in a timely manner. Though there are labor inspectors who are hired to address these issues, little improves because there are so few inspectors and they are limited in the languages they speak.

Besides children working in sweatshops they are also working as servant maids. These laborers are typically girls from Mexico and Egypt. They are usually kept in hiding and therefore do not attend school and have little connection to the outside world. Their jobs consist of taking care of the housework for the families they work for, as well as tending to members of the family. In one documented case, a young girl from Egypt was

brought to the U.S. to be a maid. The girl slept outside the family's home and was made aware that she was brought here to serve the purpose of a laborer and nothing more. She was to be treated not as a member of the family, but instead as a worker. The girl was unable to attend school and was required to work throughout the day. When authorities found her they realized that the young girl was being kept through bonded labor. The family she worked for claimed she was not paid for her services because she was receiving room and board and money was being sent to her family of 10 in Egypt. The family tried to explain their reasoning for having the girl, explaining their situation as a cultural practice. They explained that it is common in their culture for wealthy families to help provide for those less fortunate by taking in one of their children to do chores to gain money for their family. Later it was revealed that Shyima's (the little girl in question) sister previously worked for the family, but she was caught stealing and a deal was made with Shyima's family. It was agreed that the sister would not be prosecuted if Shyima were to take her place. The other part of the deal was that the parents would receive money for the work their daughter was doing, thirty dollars a month (Leonard, J and Yi, Daniel).

Shyima was not kept locked in the house, she could easily have unlocked the garage door and escaped, but her fear kept her trapped. The girl could not even go to the neighbors and explain her situation because she knew no English, and she was told that the police would arrest her if she were to leave. This is one example that shows how ignorance keeps these children bound to those for which they work. This young girl had no idea that the police would not arrest her, but rather, be required to help her. The people she worked for used the girl's ignorance of the law and her inability to converse with

those who could help her. If these children were given proper tools to fight for themselves then they would be able to, but since they lack the understanding of U.S. laws and the English language, they endure the mistreatment as a means of survival. Their situation causes them to become dependant on those who capture them, or those who employ them.

Sexual Exploitation

Sexual exploitation has been labeled as the modern day slavery. It has become the biggest slave industry in the U.S., with its flow from poor countries into rich ones. Young naïve girls find themselves being tricked into allowing men and women to smuggle them into the U.S., most often into New York, falling victim to the idea that they are coming here to be nannies and maids and that they will make enough money to support the family they left behind (Errol, Louis). Instead, they arrive in places like New York, not knowing that they were taken there to serve as prostitutes. These girls are as young as thirteen years old, living not with their parents, but instead in tight spaces, surrounded by other girls in the same situation. They are harbored in basements where men are able to come in and choose a girl. According to sources, the phenomenon of commercial sex among children is most typical for young girls. Boys are less likely to be exploited for sexual purposes and more likely to do physical labor.

(<http://childlaborphotoproject.org/index.html>)

The girls that are trafficked into the United States range from ages ten to fourteen, and come from countries such as Mexico, Thailand, and Russia. It has been reported that children have been trafficked to New York, Minnesota, and New Jersey where they are forced into prostitution. Newspapers in these areas have even exposed some of these

stories. The Minnesota Daily is one such example that reported the area's incessant problem with the growing sex trafficking and the young girls that have been found within the sex industry there.

Prostitution has made way for a sexual development in child exploitation, using children for child pornography. Captors and pimps are now not just forcing girls to sell their bodies on the streets, but also using them to make pornography. This is not new to sexual exploitation, but a growing form of it. More children are now being used in the pornographic industry, which has been found to be an industry where children are just as abused as prostitutes. These girls, who are brutally harmed and degraded everyday, generally earn none of the money for their degrading jobs. The money that is earned from having to sell themselves and having their bodies violated automatically goes into the hands of their pimps or the owners of the brothels where these girls live.

The children who end up as prostitutes or sexual objects come from poor homes where many of them are the sole provider or are helping support their family. Often many of them are found to have previously come from abusive homes, just to end up in another abusive environment. Those who usually fall into this category are runaways willing to be trafficked into the U.S. for better lifestyles, and as such, reason being why they easily fall into the traps of pimps. Other children are abducted and taken away from their homes and brought to the U.S. Upon arrival, they often do not have identification documents and are in a land where they do not know anyone. This makes it is easy for abductors to retain them. With no record of their existence, U.S. authorities are not searching for them, and the children are told they cannot receive help because they cannot prove their identities since they are illegal.

The accomplices that take part in trafficking children are for the most part adult males. There are also adult females who take part in trafficking these children, and who also serve the role of the pimp. Parents and family members also serve as accomplices, because they play a part in the children being brought to the U.S. Often it is family members who sell the children to make a profit from them. Developing countries are very poor, so the families take any opportunity offered to them to gain money as a means of survival. They will freely offer up a child, usually the oldest daughter, or are convinced that their daughters will earn pay, which would go towards providing for the needs of the family.

Agricultural Workers

Children are also exploited in agricultural work. UNICEF's State of the World's Children Report in 1997 acknowledged that three hundred thousand children a year, ages fifteen to seventeen, who are mostly Mexican, work in agriculture. This is ten times the number of children who work in garment factories. These children work as cheap laborers hired to tend to farms in California, Texas, Florida, Washington, and Arizona (hrw.org/reports/2000). However, this situation provides an example of the problem that develops from a lack of international norms to define child labor. For example, in the Mexican culture, people are considered adults at 15 years of age, so there is a cultural norm difference regarding how to define a child.

Teenagers are not the only children found working in agriculture. It has also been reported that children as young as four years of age can be found doing the jobs of farm workers. These children are doing work that adults twice their size have a difficult time doing. They work twelve to fourteen hours a day, starting as early as four in the morning,

and have to walk to the fields in which they work. These children are exposed to chemicals that cause them to develop health problems such as headaches, rashes, brain damage, and possible convulsions, slipping into comas, and sometimes death (www.afop.org/childlabor.htm) A large number of these children work along side family members, and together they work to gain a family income.

Spending so many hours working in the fields, these children do not have the time to go to school to receive an education. If they do get the opportunity to attend school, they do not stay there long enough to benefit from the lessons taught because farm workers follow the crops, and move from place to place when they are no longer needed. Therefore, children end up at five to ten different farms in their childhood, attending two or three different schools, which keep them at a disadvantage in trying to gain an education. In turn, these children live life illiterate, not only in the English language but also in their native language (Ricardo Cavallera). It is uncommon for children to make it out of elementary school, and unlikely that they will attend high school. Working long hours and being exhausted, many have no choice but to drop out of school. Furthermore, children are often cheated out of the money that have earned. At least one third of them are making less than minimum wage, earning two dollars or less an hour, working in increasingly high temperatures that lead to heat stroke, especially since many try to limit their water intake, and therefore the number of times they need to urinate. Since a large amount of these farms do not have restrooms to use in the fields, many find it better not to drink water at all. The combination of a lack of restrooms and a lack of clean water to wash their hands increases the chance of infection among children who work in the fields (HRW World Report 2002).

Sexual harassment and abuse are not uncommon for field workers. Children, especially girls, find themselves being touched inappropriately by male workers and supervisors. More often than not, they are also physically abused if they do not follow directions or if they work too slowly. Following this further, compared to other jobs, children agricultural workers receive less attention than other child laborers. In fact they do not receive the same protection and rights as child garment workers because children farm workers are not seen as laborers because they work with their parents, and their parents are not profiting from them. Therefore, their rights go ignored and there are few restrictions on the number of hours they work and the conditions in which they work. Under the Fair Labor Standards Act (FLSA), a twelve-year-old child can work in the fields if accompanied by an adult, and a fourteen year old can work an unlimited number of hours. The Human Rights Watch is encouraging the Department of Labor to place stricter penalties on violations of laws already in existence, including the minimum wage law (Whitman, Lois).

Reasons why child labor continues

Child labor continues to persist because of its economic benefits and the number of people who get a share in these children's profits. Parents or family members who sell these children in order to get money are given a monthly compensation for the work these children do. Traffickers or smugglers often get money for smuggling these children into states, and gain even more of a profit by selling these children off to buyers. Buyers take on roles as the employers or pimps, and in turn make their profit by putting these children to work to produce and maintain their products; or by turning the children into prostitutes who make money by selling their bodies.

Child labor is such a lucrative business because it is an international one, where money flows from economy to economy. These economies have set up a supply and demand system and people are seeking child laborers, mainly because they can serve the purpose of cheap labor and have an existing market of consumers to buy them. It is easy to use the vulnerability of these children to trap them in an environment where out of fear they do the work that is assigned to them. The more people demand child labor, the more of supply traffickers and smugglers want to provide to customers. Children are an endless supply that people are willing to pay for.

Besides the money aspect of child labor, the other reason this phenomenon continues is that there is little help for immigrant children who end up as slaves. When they are with their captors, or those who control them, they are brainwashed and instilled with fear. They are told they are no one without their papers, and without familiarity with the law and the language barrier the children see no way out. When they do escape they end up in similar conditions, either under another captor or in a detention center. Also there is very little legal assistance for children laborers and often their issues get overlooked and they go without help (Ricardo Cavallera). Traffickers, smugglers, and those who employ these children are aware of this and they take advantage of them because of it.

Conclusion

It appears that the reality of child labor will continue to exist, and children will continue to be exploited because they are seen as a valuable commodity. Their work as laborers, in sweatshops, brothels, and agricultural fields brings in large sums of money for the people who make a living off these industries. Therefore, it is apparent that these

people will continue to demand children as their cheap laborers as long as there remains little regulation within child labor laws, and the traffickers and smugglers keep supplying them, and the definition of child laborer remains unclear and lacks consensus among the international community.

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Illegal Immigration and the Sex Trade
By Erik M. Bodah

ABSTRACT

Illegal immigration and how it relates to prostitution/the sex trade could easily be traced anywhere around the world. Being a fairly new crime, as far as the official efforts being made to stop it are concerned, there is still much work that has to be done. The following points demonstrate the connection between them: key terms, how the entire process begins, which nationalities of women are more likely to be trafficked, some specific tactics that are widely employed by law enforcement, three examples of legislation that are aimed at halting this alarming trend, a sizeable list of general, yet extremely vital, statistics, and finally three times when this criminal activity manifested itself within the communities immediately surrounding San Jose State University. Although it may seem perfectly logical that tightly written legislation, complimented by harsh penalties, would be the perfect solution, law enforcement believes otherwise. As far as the San Jose Police Department (SJPd) is concerned, the best way to halt human trafficking is to increase the level of citizen awareness, and keep tracking down, arresting, prosecuting, and imprisoning all those involved in the illegal practice of human trafficking.

Introduction

The role that illegal immigration plays in perpetuating the ongoing problem of prostitution/human trafficking/the international sex trade is something that law enforcement officials in this country consider substantial. Men from other cultures import women from their homelands for sexual relationships. Some are kept as slaves, while others are used for prostitution. How large could this problem truly be? How do law enforcement agencies such as the Federal Bureau of Investigation, Immigrations and Customs Enforcement, and the San Jose Police Department (SJPd) handle cases such as these? The paragraphs that follow provide data to create awareness of this problem.

This analysis is structured as follows:

1. a short description of the vocabulary
2. how the entire process of prostitution/sexual slavery begins
3. the strategies for luring the unsuspecting victims
4. the exact ways in which trafficked people enter the United States
5. the tactics/methodology that police, not only in San Jose but across the country, use before, during, and after the execution of a raid
6. a brief description of some very recent pieces of legislation that were passed with the explicit intention of trying to curtail human trafficking
7. a list of facts to illustrate the impact that this social phenomenon has upon the United States.

Key Terms

Illegal human trafficking for sexual purposes has a special vocabulary. "Transporters" are entrusted with simply driving human cargo from one place to another,

with no questions asked. This service is one that can be provided by literally anyone with a valid driver's license, or anyone else who knows how to successfully evade the authorities. Starting at the broker's headquarters, the sum of the transporter's responsibility is to take these women to wherever they are required to go. The relationship that exists between the transporter and the indentured person who is actually making the dangerous journey to America is limited. It originates when the transporter receives their payment (whatever this may entail, money or otherwise). Next, the trip is made with little or no contact between both parties. It is at this point, that the aforementioned contract officially terminates, and the transporter immediately turns right around and heads right back to "base", so that he/she may start this cycle all over again. It is not the transporter's responsibility to do anything that would guarantee this person's safe passage, wherever the destination may be, except for driving safely. The inevitable success or failure of the immigrant's attempt to evade agents belonging to the Immigration and Customs Enforcement, the U.S. Marshall's Service, or any other law enforcement agency is promptly placed upon their shoulders.

On the other hand, the "human trafficker" is someone who carefully plans how best to deliver a shipment of human cargo. This person exploits other people who wish to come to the United States for some kind of economic gain. Whenever a potential immigrant approaches a trafficker seeking help, not only will they be taken all the way to their destination, but the price that the "customer" is required to pay after they arrive turns out to be deliberately inflated. The result is that the illegal immigrant has to work for their trafficker in conditions that are unpleasant. Sometimes the arrangements are

made to transport the illegal immigrant on a legitimate international flight with the illegal immigrant provided with false documentation.

The third word of importance to this study is “vice,” which refers to the division of any police department charged with the enforcement of all laws, rules, and regulations related to crimes/offences such as like gambling, drugs, and prostitution. The vice unit is the law enforcement focus for the rest of this paper.

Prostitution and Human Trafficking

First of all, prostitution is a crime of choice. The pimp is guilty, the customer is guilty, and so is the prostitute herself. The pimp promotes the women in his group, and handles all financial and managerial requirements. Next, the prostitute has put herself into a hazardous situation where it is likely that she has a strong chance for injury, illness, and even premature death. Finally, there is the customer, who is breaking the law, one which law enforcement agencies active enforce.

Out of all the possible outcomes which may arise as a result of human trafficking, prostitution is only one of many. Historically, prostitution is a practice that can easily be traced all the way back to the earliest signs of human civilization. In stark contrast, its counterpart - human trafficking - is a crime that has only started to receive official attention sometime within the last few years. Still another substantial difference that exists between human trafficking and prostitution is that in human trafficking the prostitute is usually a victim. It is now a felony that mandates a victim centered approach. Human trafficking is in violation of California State law and brings with it a sentence that ranges between 3 to 5 years in prison. In the event that the victim is under the age of 18, then it is increased to 4, 6, or 8 years.

An investigation into human trafficking is conducted in a different way than a traditional prostitution case. The standard operating procedure for a human trafficking case dictates that the automatic first steps in shutting down any ring proven to exist has been and shall always be establishing the precise location as well as ascertaining the condition of however many victims there are. Having said this, there are three primary concepts which are intrinsically a part of this matter: force, fraud, and coercion.

How the Process Begins

Recruitment Process

As barbaric as this always ends up becoming, the way in which this exploitation usually begins is surprisingly simple. In other countries around the world there are people who are in the paid employ of human traffickers. Over time the people who perform this form of work have come to be known as “brokers”. It is these “brokers” that have been appropriately described as people who are unquestionably charismatic. What makes these individuals so incredibly dangerous is how they go out and eagerly mingle with the young female population of any specific country. “Just a few of their favorite places to go, include but are not limited to, the following: bars, restaurants, factories, college campuses, and coffee houses” (J. Vanek, personal communication, April 12, 2007). Any public gathering place can potentially turn into prime hunting grounds for these predators. What makes the brokers so lethal is that they have no compunction about doing whatever it takes to recruit these totally unsuspecting women and children by offering a wide variety of enticements.

“Inducements”

In many third world countries it is very hard to find a good job. Therefore, people are more susceptible to blandishments including overseas education and employment. “In other instances, it is a temporary visa that would be promised, since being in possession of one would give that person a free pass by which to pursue the next step, which just so happens to be the highly revered and respected goal of American citizenship” (A. Alvarado, personal communication, April 8, 2007). At times a U.S. passport could be the inducement, should this future victim desire to travel to and from the United States. For people living in poverty these offers would be impossible to turn down. For example, a person might need money for a sick family member, and an offer of funds for the care of that person could overcome a person’s innate caution.

Earning a college degree at some college or university in the United States is a dream that is held by many people living in poverty. Yet, with the expense being almost insurmountable, these people would be unable to achieve it. “Out of all the others, it is this one that is associated with the largest success rate on record” (A. Alvarado, personal communication, May 8, 2007). A full scholarship at almost any American institution of higher learning is very tantalizing by itself, but to have some extra spending money for leisure pursuits makes the deals more attractive. The most common examples of part-time work promised to these people (for women at least), include working for a wealthy family as a maid, as a nanny, or most any other form of domestic work.

In other cultures there is an extended family structure that adds numbers of people to the web of those for whom one is responsible. For some time now, the United States has been known as a place where willing workers can succeed. People from other nations

envision the opportunity to send home remittances to support their families if they could only attain immigrant status to the United States.

False Promises of Matrimony

It is very common occurrence for Russian women who want to gain American citizenship to advertise themselves as “mail order brides” for American men. Instead of meeting the Western man of their dreams, sometimes they are imported into the United States through human traffickers and find themselves in abusive, demeaning, and humiliating relationships.

Actual Entry into the United States

Some well-known and well-documented methods of entry are themselves barbaric. For example, ocean-going shipping containers are filled to capacity with helpless people forced to suffer the hardships of a transoceanic voyage with no food, water, and access to bathroom facilities among other necessities. Sometimes freezer trucks are used to transport illegal immigrants on land. Even subterranean tunnels like those between San Diego, California and Tijuana, Mexico are used to traffic women into the United States from Mexico. Others are given a ticket, nice clothes, and false documentation in order to make the trip by way of commercial air.

Although traffickers use both borders, Canada is the most common border crossing. The explanation is that so much national attention has been paid recently to securing/safeguarding our shared border with Mexico, against everyone from terrorists to illegal aliens, that crossing illegally is more difficult. Very little if any of the same consideration has been extended to the Canadian border. As a direct consequence of this

negligence, the air/seaport of Vancouver, British Columbia has by default developed into a favorite destination for human traffickers to import their valuable “products”. Yet, the method of importation is by no means limited to just the overland option. As it turns out, all American air and seaports have shown themselves to be active avenues with which to observe this phenomenon. The perpetrators of human trafficking do not believe in limitations of any kind. As soon as a viable option presents itself, they will use it to the fullest.

Specific Ethnicities

Out of all the nationalities of women which can be found trafficked into the United States, the three most prevalent are, in descending order, Asian at 50%, Russia at 19% (including both prostitutes and mail-order brides), and Mexican at 15%.

Tactics of Law Enforcement

The first step in law enforcement efforts to stop human trafficking is often in the form of citizen tipsters. “If over the course of several days, an ordinary resident living in any given San Jose neighborhood manages to take note of some kind of suspicious activity, say an unusually high amount of men going in and out of an otherwise normal looking house, more likely than not it would be this type of person who would dial 311, flag down an officer that is out on regular street patrol, or by some other means voice their concern” (J. Vanek, personal communication, April 12, 2007). If there is any reason to believe that somewhere on this property illegal activity is currently transpiring, then probable cause would first have to be established by way of conducting a stake out. This intelligence-gathering effort is often accomplished by a plain clothes officer sitting in an unmarked vehicle either down the street, across it, both, or perhaps even posing as

just another customer at a nearby place of business. In order to properly secure a search warrant from a local judge, the 4th Amendment to the U.S. Constitution dictates that probable cause must first be established. The requirement is typically fulfilled by the undercover officer(s) running automotive license plate numbers, taking photographs, and conducting other assorted research on his/her dashboard laptop. However, this case is not one which is quickly remedied by simply deploying the SWAT team, arresting everyone inside of the building and helping the victims to recover from their traumatic experience.

In reality it is an extremely time-consuming, not to mention extremely frustrating, process because it involves matters that require the utmost care and attention to detail. “First of all, these women and children are threatened with excessively harsh reprisal upon their family and friends back home should they take steps to expose their indentured servitude” (A. Alvarado, personal communication, April 8, 2007). Fearing for their relative’s continued health and well-being, the victims tend to quietly resign themselves to the reality which they are in. Others are forcibly indoctrinated into believing that all people who wear the uniform of some American law enforcement agency are inherently evil. They also tend to be extremely hesitant to approach any peace officer due to the fact that the authorities from their homelands are often corrupt, so they assume the same holds true here.

As an example of the efforts that people may have to go to for escape, note one group of Korean women. After being herded, as if they were livestock, into the back of a truck they somehow managed to sneak a piece of paper and some kind of writing implement on board. They undertook a huge risk by writing a note describing their situation in its entirety, and then managed to discreetly shove this note through a crack of

the trailer that they were riding in so it reached the sidewalk. Sometime later, a passerby picked it up, and turned it over to a police officer. Apparently, this message was sufficiently detailed, that upon its translation, it provided essential information for their rescue.

As heroic as this instance was, this action was perhaps one of a kind. As a general rule, foreign nationals who are trafficked can be identified without too much effort, so long as law enforcement knows what to look for. If they are ever allowed out into normal society, certain behavioral mannerisms will be exhibited. One good example of this is the failure on their part to make and keep eye contact when speaking to a person. As soon as the police were able to recognize this factor, these visual cues were then taught to all teachers, doctors, paramedics, and other people that have frequent contact with the public. In response, discreet, yet mandatory reporting of individuals that are found to be displaying these characteristics was instituted with the hope that this will help to stop human trafficking.

Conversely, victims of trafficking may try to retain their anonymity. To do otherwise would risk severe repercussions. Law enforcement maintains confidentiality of all factors until a prostitution trafficking case has been made. If information is leaked the brothel owner will quietly move elsewhere. Obviously, lives are in the balance and there is always the possibility of needless harm being done to the victims of trafficking.

The Execution of a Raid

After permission to conduct an actual raid has been officially granted, the warrant is typically served by the group of officers from the vice squad. After all of the suspects are taken into custody, a floor to ceiling examination of the on-site living conditions is

conducted. What a trafficking victim might consider their home could be a small space, such as a closet, cleverly hidden rooms which could not be detected by an untrained eye, basements, minimally furnished, windowless rooms containing a single bed with a solitary light bulb. In the case of minors, the only luxury afforded them would be a single teddy bear. Beyond this, they are denied ownership of everything else.

When this part is successfully wrapped up, then the prearranged coalition made up of victim advocacy groups, counselors, social workers, translators, therapists, and even Catholic Charities comes forward to assist the victims. In addition to these, there are a number of non-governmental organizations, such as the South Bay Coalition, that takes an active role in helping to end this problem. Ultimately it the goal of this coalition to ensure that adequate care is provided to the trafficking victims. “A couple of other ways in which this goal is met, is by provide them with nourishing food and brand new clothing that is indigenous to their culture/heritage” (A. Alvarado, personal communication, April 8, 2007).

Appropriate Punishment

Human trafficking is not a separate felony. Rather, it is treated as a compilation of whatever illicit activities took place before the interdiction. For example, if three rapes and five assaults could be proven in a court of law, then the established penalties for each infraction is just added up as the sentence. Unless it can be proven that there was a murder in the first degree perpetrated somewhere along the way it is not a death penalty case. The possibility of parole for the traffickers is dependant upon the circumstances and number of the cumulative crimes.

Legislation

There are three pieces of legislation which formally criminalized human trafficking, whether it is intended for prostitution or other purposes. The first of these is the California Penal Code 236.1 and was instituted by the California Alliance to Combat Trafficking and Slavery on January 30th of this year. Whenever a person is guilty of breaking this law, he would be faced with a state prison sentence in the range of 3-4-5 years or if the victim is under 17, one that is even 4-6-8. There are many other associated felonies that can also be added to the trafficking charge that may add additional penalties.

When the hearings for the proposed bill, held at the headquarters of the California Department of Justice located at 1300 I Street in Sacramento, were over, the finished document contained a total of 5 items. They are as follows: “Item 1-Staff reports and update on statewide survey on human trafficking, Item 2-Human Trafficking –Forced Labor, Item 3-Victim Assistance: Challenges to Accessing Services, Item 4-Voice of a human trafficking survivor, and lastly, Item 5: Facilitated Discussion” (safestate.org, 2007). This document was the culmination of efforts aimed at drafting effective legislation leading to the eventual elimination of this problem from California.

Secondly, Assembly Bill No.22 was introduced to modify the state’s laws regarding human trafficking. (safestate.org, 2007). Finally, there is the “Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report” (State.gov, 2006) amended in 2006. This is an eleven part report which outlines everything that is being done at the national level to stem this tide of exploitation. Even though human trafficking is still a fairly new addition to the penal code, it is a crime that is being taken seriously.

Vital Statistics

Of all the people who are trafficked, 80% of them are women and girls, and 50% percent are minors. The importance of this criminal activity is being realized locally. "... the San Jose Police Department's Human Trafficking Task Force recently was the recipient of a \$300,000 grant: \$225,000 of this, was generously provided by the United States Department of Justice, while the remaining \$75,000 came from the City of San Jose itself" (J. Vanek, personal communication, April 12, 2007). The money is intended to enhance the level of service to victims of trafficking, and to increase the level of public awareness of human trafficking. So lucrative is human trafficking for the sex trade that it is currently tied for second place with arms smuggling in terms of the profitability of any given illegal activity.

Many a social problem can be taken care of by means of strict legislation, relentless enforcement, and harsh penalties for all offenders. However, this approach is not applicable in the case of human trafficking for the sex trade. The amount of public awareness is noticeably low; however there are people who are waging war on human trafficking. The dedication of the members of the American legal system is an important part of this fight. Should these dedicated people be removed from the overall equation, all of the tools, planning, data, and research methods would fail. "In the event that all goes according to plan, then our nation shall someday possess a 1950's style of morality in terms of interpersonal contact" (A. Alvarado, personal communication, April 8, 2007).

Real-Life Occurrences

Jackson, Wyoming

On the Immigration and Customs Enforcement's official website there is a report of U.S. District Court Judge Clarence A. Brimmer, of Cheyenne, Wyoming presiding over a case in which three Mexican nationals, all living in Jackson, individually faced life imprisonment for their respective roles in the sexual exploitation of a 13 year old foreign national who also came from Mexico. These men were Jacobo Dominguez Vazquez, 33, a permanent resident of the United States, and his counterparts Jose Luis Chavez, 42 and Braulio Aniceto Velez, 21 both of whom entered this country illegally, all of whom plead guilty. Three agencies participated in the investigation: U.S. Attorney Matthew H. Mead, District of Wyoming; Michael Masto, Assistant Special Agent in Charge of the U.S. Immigration and Customs Enforcement (ICE) Office of Investigations in Denver, Colorado; and Acting Resident Agent in Charge Norm Scott of the FBI in Jackson.

As a result of the investigation, it was determined that the trio imported this minor for prostitution. These men made their intentions known to the girl herself, and when she objected she was promptly informed that it would only last as long as it took to pay off her transportation costs. Using a cell phone, they immediately began taking orders from male customers seeking "to do business". The revenue that was eventually generated was divided evenly amongst themselves, without any of it going to the girl herself.

Conducting their affairs mostly out of motels, it was on the 18th of April 2004 that a fight broke out between these defendants and one of their customers over the prices that were asked. When the police arrived at the scene, the alleged customer, Armando Salas, fled the scene, but not before he kidnapped the girl and made his way to Phoenix, where the

two of them remained a total of eight months before returning to Jackson. Officials in Jackson were finally able to uncover the truth behind all of this only after an unnamed individual who was implicated in a completely unrelated matter stepped forward and provided this incredibly valuable information. All relevant information was then handed over to both ICE and the FBI. Upon the completion of their sentences, they are all scheduled to be deported.

San Jose, California

Theresa Ha Garcia, a 52 year old San Jose woman living in the Blossom Valley neighborhood, was characterized by her lawyer as being a perfectly innocent mother who at one time ran a successful beauty-shop. Prosecutors nearly tripled the charges that were brought against her over the supposed part she played in helping to run an international prostitution ring. In early September 1997, she faced five counts of both pimping and pandering. Each of these charges is directly related to women of Southeast Asian decent who were forced to work off immigration debts by way of sexual slavery which ultimately amounted to a grand total of \$200,000 (\$40,000) per person. All the while, the agency formerly known as the U.S. Immigration and Naturalization Service, now the Immigrations and Customs Enforcement, just released three other women that were allegedly working for Garcia as prostitutes somewhere in San Francisco. These ex-prostitutes as individuals face visa violations, but have yet to be charged. This event was the latest in a string of developments in a case that stretched all the way from Southeast Asia to North America, and all over the Bay Area.

This syndicate was one that had been getting a lot of attention from not only American law enforcement officials, but from those in Canada as well. Together, it was

found that these women were granted absolutely no choice but to engage in countless sex acts for men in the following four cities: San Jose, Vancouver, Toronto, and Los Angeles. Non-governmental organizations whose job it is to regularly monitor all violations of human rights responded by saying that they were greatly troubled by all of this. Sexual servitude is a worldwide concern. Even though an anonymous agent belonging to the INS went as far as saying that she had no reason to believe that any of these women were in deed taken advantaged of, there was one lieutenant connected with the San Jose Police Department that never wavered in calling all of them horribly exploited. Many sex industry experts agree that the relationship between all madams and their prostitutes are capable of ranging anywhere from the incredibly violent and slavish to one that is voluntary and even self-promoting.

Official reports issued by the officers who made the actual arrest served to illustrate the fact that all of these women were in relatively good health upon their release. At first, Garcia was incarcerated at Santa Clara County's Correctional Facility for Women, on the grounds of being connected to prior, unrelated incidents of pimping, pandering, and a couple of other misdemeanor-grade charges. After reviewing the details of all her recent activity, a Santa Clara County Municipal judge decided to substantially raise her bail from \$20,000 to \$100,000. At some point during the course of this investigation, INS officials made it perfectly clear that they released one of the women that used to live at her residence, situated at 3723 Pearl Ave, but quickly deported another of Garcia's ex-employees after learning that this person had already been detained by the Santa Clara County Sheriff's Office the previous year.

Lt. Phil Beltran, the commander of the San Jose Police Department's vice squad, noted that local police were not informed of these arrests. "We certainly are not going to rest on our laurels on this case," Beltran said. "We always have things we are looking at." (Mowatt, Legion, Kaplan, 1997).

Wearing bright orange jail overalls, Garcia herself made a very brief appearance in court accompanied by each of her three children. The reason that they were in attendance was a sign of their steadfast refusal to surrender the hope they collectively held to bail their mother out of jail (Mowatt, Legon, and Kaplan, 1997). Her lawyer, Charles M. Mesirow, was scheduled to enter a plea before Judge Gilbert T. Brown, but requested that the case be continued until September 19th. If it turns out that she is convicted on all counts, she would be facing up to 11 years in state prison. Garcia's children, who are all in their 20s and still live with their mother at a different San Jose residence, also announced their inability to pay the higher sum designated as bail.

South Bay/Peninsula

A coalition comprised of Federal authorities and local police from San Jose and San Mateo released information regarding the arrests of five Chinese nationals who were formally charged with overseeing a network that consisted of 14 massage parlors that upon a closer examination, were found to be brothels. These individuals regularly imported and exploited women from all over Asia. These defendants, two men and two women from San Jose, and an additional woman from Sunnyvale, were taken into custody as a result of their deliberate intention to use these women in order to further their own monetary gain. At first, no one entered a plea. Even after they all received an attorney, no statement was released. San Jose Police Chief Rob Davis at a news

conference, made this statement as part of what federal officials have called Operation Bad Neighbor: "No matter where you may come from, a human being is not for sale, this is the type of crime where the most vulnerable among us are being abused" (Woolfolk, 2005).

The charges that each person faces carries with it a penalty of no more than 10 years in prison accompanied by a \$250,000 fine. The federally issued complaint blames the suspects of running these brothels under the guise of massage parlors that were merely unlicensed in a total of three Bay Area cities: San Jose, Santa Clara, and San Mateo. A few of these people reportedly failed in their attempts to bribe several undercover officers that posed as dirty cops following the offer of immunity from prosecution. The actual sting itself yielded \$375,000 in hard currency, and one undercover officer was the recipient of \$200,000 of the bribes. Since the investigation has not yet been closed, there is a strong possibility that additional charges could still be filed. When authorities discovered a grand total of 31 Asian women at these brothels that at the time were believed to be working as prostitutes, they were detained and interviewed to determine if it is possible for them to serve as valuable witnesses during the case's trial phase. The identities of these defendants are as follows:

1. Xiao Fend Shen, 34, better known as "James" is a resident of San Jose who overstayed his student visa.
2. Yan Song, 42 or "Katie"/ "Cathy" is yet another resident of San Jose who was found to be a permanent resident of the United States.
3. Ming Sun, 31 like Shen, also overstayed her student visa.
4. Jia Jing Chu, 34, the fourth and final defendant from San Jose, who went by the name

of "Peter", received a stay of deportation.

5. We Ai-Ching Chang, 45 who preferred to be called "Tina", was the only other U.S. resident and originally lived in Sunnyvale.

As is all too often the case, these women were also made to work off their debt, through sexual slavery. To support this threat, it was Song who supposedly threatened to deny the transfer of all immigration papers until reimbursement was received in full. U.S. Attorney Kevin V. Ryan admits that as the investigation continues to play out, he hopes to clarify how these alleged prostitutes managed to enter the United States and what the agreement was which led to their working under these circumstances. Situated in a largely residential neighborhood, the tipsters that broke this case wide open and led police to shut these bordellos down were in fact very angry, law-abiding neighbors. In light of this fact, the entirety of this effort was officially named Operation Bad Neighbor.

Conclusion

Illegal immigration in regard to the way it is connected to prostitution/human trafficking has been a problem that has produced an immense amount of frustration. Local law enforcement officials believe that even though the level of awareness of human trafficking for the sex trade is not as high as they would like, little by little they are indeed making progress. However, the facts presented here illustrate the extreme implications that this social phenomenon has upon our nation.

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ILLEGAL IMMIGRATION :

SOCIAL ISSUES

Illegal Immigration, Hurricane Katrina and the Impact on the African American Community – A Focus on New Orleans

By: Gabriela Hill

Abstract

Hurricane Katrina devastated the Gulf Coast in 2005 and almost two years later, major ramifications can be examined. Of the many multi-faceted issues that have resulted, a rather new problem with illegal immigration has largely impacted the African American community in the greater New Orleans, Louisiana area. The following is an examination of the impact illegal immigration has had in the African American community with regard to the job market, public services and culture. Legal issues, budgetary impacts, and public outreach are further examined as subtopics of this complex issue.

Background

Natural disasters have quite a significant impact on society and can create a myriad of problems after the fact. Such has been the case with Hurricane Katrina. Many people all over the United States were tremendously affected by Hurricane Katrina and continue to deal with its ramifications almost two years later. Crime, poverty, weak infrastructure, pollution, access to public services, and displacement are among the issues that people in the Gulf Coast deal with as a result of the hurricane. Additionally, illegal immigration has become a major concern facing this region as they attempt to regain some sort of return to normality. As the aftermath of Hurricane Katrina ensued, illegal immigration to the Gulf Coast area increased as immigrants began to fill the labor void left by the many Americans who had fled the region. This has dramatically affected natives of the region, particularly African Americans in New Orleans. Upon their return

they find increased competition in the job market, more impacted hospitals and schools, and the threat of losing traditional local culture.

In late August 2005, Hurricane Katrina touched down on the Gulf Coast and proved to be an extreme act of nature. It was “one of the strongest storms to impact the coast of the U.S. during the last 100 years” (National Climatic Data Center, 2005, p. 2). Hurricane Katrina originally developed as a tropical depression and soon escalated to a tropical storm, and eventually a hurricane. By the time it furiously swept through the Gulf Coast, Katrina was recognized as a Category Level 5 hurricane, one of the highest levels of strength and danger a hurricane can possess. “Wind speeds at over 140 miles per hour were recorded at landfall in southeastern Louisiana with rainfall exceeding rates well over one inch per hour across a large area of the coast” (National Climatic Data Center, 2005, p. 2).

Though some living in the region listened to warnings and evacuated before the hurricane hit, some did not. Of this group, some simply did not pay attention to the news, some claimed they did not have the resources to evacuate, and others believed that since they had survived previous hurricanes, they would survive Katrina as well. Shortly before the hurricane hit the greater New Orleans area, President Bush made strict demands to New Orleans Mayor, Ray Nagin, that the area be evacuated immediately (Lee, 2006). Chaos quickly followed and gridlock impacted transportation routes (Lee, 2006). In New Orleans, city busses filled to capacity picked people up, took them to the airport and put them on airplanes to destinations all over the nation, without any regard to people’s wishes. This resulted in numerous families being separated.

Others were not as fortunate. Those who remained in dangerous areas were left to fight the hurricane on their own. Some people were saved by last minute emergency evacuations and many others died in the floodwaters. “Katrina caused widespread devastation along the central Gulf Coast states of U.S. cities such as New Orleans, Louisiana; Mobile, Alabama; and Gulfport, Mississippi with a death toll of over 1,800 people and some \$81.2 billion in damages” (National Climatic Data Center, 2005, p. 2). In addition to a tremendous loss of life, Hurricane Katrina also created power outages and numerous oil spills.

When the hurricane was finally over, word quickly spread to people in Central and South America that there would be high-paying reconstruction jobs available throughout the Gulf Coast (Agresta, 2006, p. 1). This instantly drew many Latinos to come to New Orleans. From Fall 2005 to the present, hundreds of low-skilled labor jobs have become available with wages at an increased rate. Some of these industries include food preparation, cleaning, landscaping and construction. “Before Katrina, Latinos made up only 3% of the population of New Orleans, far below the norm for an American city of its size. While Latino immigration nationwide had peaked in recent decades, New Orleans’ economy had lagged behind that of the rest of the country, and a large black underclass had served to fill the least desirable jobs” (Agresta, 2006, p. 1).

Post-Katrina, all of this has changed. “Now, some estimate that the city is up to 30% Latino, though reliable data is unavailable” (Agresta, 2006, p. 1). Due to the fact that roughly “140,000 residences were destroyed or severely damaged and that many people displaced by the disaster have no home to which they can return, workers are in large demand” (Flakus, 2005, p. 1). This has created a vacuum where illegal immigrants

are largely filling the void. “The work immigrants do in New Orleans is difficult, dirty and sometimes dangerous, but the pay is good. Roofers can make \$300 a day in New Orleans and many construction jobs pay \$15 to \$17 an hour” (Flakus, 2005, p. 1).

In the beginning of 2006 as reconstruction efforts began, illegal and legal day laborers would crowd gas stations in downtown New Orleans to be picked up for a day’s work with a promise of a good wage. For a while, “gas stations became preeminent casual labor markets in the reconstruction efforts. Every morning starting at dawn, crowds of men, most of them Central and South American, but also U.S. citizens from all over the country, congregated to await construction jobs. Throughout the morning, pick-up trucks pulled into the lot in front of the pumps, sometimes with lone contractors, sometimes in convoys from larger companies. The men jostled each other for access to the drivers. Afterwards, those picked by the drivers jumped onto the back of the trucks and sped off to work-sites” (Naughton and Wallace, 2006, p. 1372).

“This situation has led to great debate over who should be hired for available jobs, particularly in the reconstruction efforts. Some in the black community argue that contractors who accept funds from the Federal Emergency Management Agency (FEMA) and other federal agencies should give preference to former residents. This would help a return to normality instead of leaving residents in tents and trailers. Others in the black community argue that immigrants, legal or not, are rebuilding New Orleans and that is most important.

African Americans have not only felt an impact in the job market, but also with public services such as education and health care. Long before Hurricane Katrina, the education system in New Orleans was struggling. New Orleans Public Schools (NOPS)

had “buildings in disrepair, the district was financially strapped, and student achievement was among the lowest in the nation. In 2005, about 60% of students scored below basic in each of the four major subjects on the state’s Graduation Exit Examination. Nearly two-thirds of the system’s schools were ‘academically unacceptable’ under Louisiana’s accountability system. Further, the achievement gap between African American and white students in New Orleans was twice as high as the gap between these groups of students statewide” (teachNOLA, 2007, p. 1).

Some argue that the hurricane is giving New Orleans the opportunity to re-invent their education system and make the improvements necessary for all students to succeed. Even so, New Orleans school districts are now also facing teacher shortages, a huge decrease in the number of schools open, and a new Spanish-speaking student population. Funds that previously may have gone towards efforts in improving test scores and decreasing the achievement gap between white and African American students are now paying for incentive packages for teachers to stay in New Orleans, school infrastructure improvements or re-builds, and attention to Spanish-speaking students.

Within the health care system, African Americans have seen changes as well. Since the influx of immigrants to New Orleans post-Katrina, “hundreds of babies are being born to Latino immigrant workers, both legal and illegal....This has become a financial strain to this historically black and white city, which before the hurricane had only a small Latino community and virtually no experience with illegal immigration” (Porter, 2006, p. 2). Moreover, “because many immigrant mothers cannot afford to pay for prenatal care or delivery services and are required by law to be seen for emergency care, New Orleans’ newest citizens are adding an unexpected load to the decimated

health infrastructure in a city abandoned by many of its doctors” (Porter, 2006, p. 2). This situation has caused a large demographic shift in the proportion of various ethnic groups being seen at health care facilities. “The demographics of the health clinics used to be 85% African American, many of whom had Medicaid, and 15% other. When the clinics reopened, the demographics changed to 85-90% Latino undocumented, with only 10-15% having Medicaid” (Porter, 2006, p. 3).

Finally, the presence of an increased illegal immigrant community poses a threat to the traditional culture of New Orleans. Historically, the African American community has had a strong influence in the colorful culture there with regard to the city’s Cajun-Creole food and lively music genres of jazz and blues. Some African Americans fear that the sudden increase in Latinos has and will continue to affect southern music, food, and language. Additionally, Latinos working in the tourist industry have become more common. These factors contribute to the argument that New Orleans is culturally moving more to a San Antonio-like city.

Legal Issues

With such drastic changes in demographics and public life, several legal issues created controversy. As people began to return to their jobs or find new ones in late 2005, President Bush and the Department of Homeland Security (DHS) had temporarily waived requirements for employment eligibility documents. Traditionally, U.S. employers are “responsible for completing and keeping Employment Eligibility Verification Forms, also known as I-9 Forms, for all individuals hired. The I-9 Form requires an employer to establish an employee’s identity and verify his or her eligibility

for employment through original documents presented by the employee” (Woodhouse, 2005, p. 1).

Even so, “Katrina victims lacked these documents as a result of being evacuated from their homes, the loss or destruction of personal items and records, and were placed in shelters and temporary housing. Also, due to damage and destruction of government facilities, many victims were left unable to apply for and receive these documents within the time period required by the employment verification rules” (Woodhouse, 2005, p. 1). As such, DHS stated that it would “refrain from initiating employer sanction enforcement actions for the next 45 days” (Woodhouse, 2005, p. 2). They further stated, “employers must still complete the forms as much as possible” (Woodhouse, 2005, p. 2).

This exception to the rule drew even more illegal immigrants to New Orleans and other Gulf Coast cities because employers did not have to enforce eligibility requirements. Mayor Ray Nagin even commented on his concern about a huge increase in the illegal immigrant population, particularly from Mexico. During a seminar discussing the rebuilding efforts of New Orleans, the emotionally charged mayor commented, “How do I ensure that New Orleans is not overrun by Mexican workers?” (Flakus, 2005, p. 1). Nagin later publicly apologized for this comment, though it did capture the sentiment certain people felt and further the discussion of how to deal with illegal immigration in New Orleans.

At the time, a large portion of people in New Orleans felt that though this policy exception was necessary for natives trying to return to work, it did have negative consequences. Louisiana Senator Mary Landrieu stated her point of view stating, “Policies that favor the hiring of illegal workers exacerbate the unemployment situation

in Louisiana, which is almost as bad as it was during the Great Depression” (Flakus, 2005, p. 2).

Another legal issue that created controversy was the discussion debating government aid for immigrants that were already in the U.S. prior to Katrina and that were directly affected by it. Opponents both in and out of the African American community argued that U.S. citizens deserved federal aid more than anyone else and that any immigrant not a U.S. citizen should be deported to their home country. Those in favor of government aid to anyone directly affected by Katrina argued that anyone who experienced the devastation of Katrina deserved aid in the spirit of humanity.

The 109th Congress proposed a bill that dealt with these issues. On September 21, 2005, the U.S. House of Representatives voted to pass H.R. 3827: Immigration Relief for Hurricane Katrina Victims Act of 2005. The bill “provides relief and extensions on immigrant visas for aliens directly impacted by Hurricane Katrina in various instances...It authorizes the Secretary of Homeland Security to provide special immigration status to: (1) an alien beneficiary of an immigration petition, nonimmigrant fiancé or fiancée K-visa, or labor certification application filed on or before August 29, 2005 (Hurricane Katrina) if the petitioner, applicant, or beneficiary died, was disabled, or lost employment due to the damage or destruction of his or her workplace; (2) an alien who as of such date was the spouse or child of such alien and was accompanying or following to join such alien by August 29, 2007; and (3) an alien who is the grandparent of a child whose parents died as a consequence of Hurricane Katrina, if at least one of the parents on August 29, 2005, was a U.S. citizen, national, or legal permanent resident” (GovTrack.us, 2005, p. 2).

One more legal issue that stemmed from Hurricane Katrina was a bill the 110th Congress proposed. The U.S. House of Representatives voted to pass H.R. 1227: Gulf Coast Hurricane Housing Recovery Act of 2007 on March 21, 2007. After the hurricane, hundreds of families, legal and illegal, have struggled to rebuild their homes or find another form of housing that is affordable. The bill “assists in the provision of affordable housing to low-income families affected by Hurricane Katrina, allows \$1.2 billion taken from FEMA and given to Housing & Urban Development (HUD) for Gulf Coast recovery programs, removes rules that HUD subtract homeowner’s insurance claim from federal rebuilding compensation, and bars demolition of New Orleans public housing until there are plans to replace them” (GovTrack.us, 2007, p. 1).

Analysis

Illegal immigration in New Orleans and its impact on the African American community have been substantial. This issue has had major influence within the context of the political situation, community situation, societal concerns, and existing policies.

Within the context of the political situation, it can be noted that Hurricane Katrina and its impact on the African American community has been one of the complex issues at the forefront of current American politics. It can be argued that prior to Katrina, many African Americans were disadvantaged with regard to economic development, education and health care. Post-Katrina, these factors were amplified tremendously and “put a microscope over the Black American experience in the U.S.” (B. Lewis, personal communication, March 29, 2007). Some in the African American community held that “African Americans are one of the last groups to receive any attention when it matters the

most” (B. Lewis, personal communication, March 29, 2007) and criticized politicians, locally and nationally, for their slow responses to African American victims.

Several politicians took note of these issues and realized that they had to do something. They recognized government under-preparedness through FEMA, which has continued to cause New Orleans’ natives to feel isolated. “Hurricanes Katrina and Rita showed the American people that even so long after 9/11, their government was still not prepared to protect them, and it is clear that the incompetence and mismanagement continue to have disastrous effects on Gulf Coast residents” (Office of the Speaker, 2007, p. 1). Post-Katrina, several politicians have visited New Orleans and the Gulf Coast. In their visits they have seen the devastation with their own eyes and spoken with residents of the area. Slowly, Congress has begun to set a priority on helping Gulf Coast Americans recover.

All of this affects national politics because it places more responsibility on the federal government. In the aftermath of Katrina, people have looked to a system of federalism for the answers. Many Americans’ political outlook post-Katrina mirrors those who lived through the Great Depression. People are counting on the federal government to not only restore schools, churches, hospitals, and homes, but also for an answer in dealing with illegal immigration in New Orleans.

Illegal immigration’s impact on the African American community post-Katrina within the context of the community situation has been significant as well. Within the African American community, there is a great divide about illegal immigration. In New Orleans, some African Americans want all illegal immigrants to be deported. They note, “African Americans who oppose the immigrant rights movement have anger for more

reason than job competition. Tension between blacks and Latinos is also blamed on immigrants' ability to gain what some African Americans see as favored work status while violating the law" (Rockwell, 2006, p. 1). Others note positives that illegal immigrants' presence has on the reconstruction efforts of New Orleans. They argue, "by helping this burgeoning movement for immigrant rights, African American groups are establishing a reliable alliance of minority groups and comparisons can be made between the immigrant issue and the civil rights movement" (Rockwell, 2006, p. 1).

Another community situation that stems from the illegal immigration impact on the African American community post-Katrina is the Latino immigrant perspective. Since Katrina, many Latinos have felt isolated in a city that traditionally has not had a strong Latino presence. A majority of Latino immigrants that lived in the greater New Orleans area before the hurricane, as well as those who are new to the area are intimidated to ask for any kind of public assistance for fear of being deported or viewed as an outcast. "Virtually all foreign-born Latinos struggle with the language barrier as the most daunting initiation rite into the U.S. Add a complete and total breakdown of the communication infrastructure like Katrina and you have a recipe for utter confusion. Lots of illegal immigrants in the area are deathly afraid to enter a hospital or ask for help from anyone outside their loose affiliations of friends and families that are relatively in a rapid rate of flux" (Agresta, 2006, p. 2).

There are societal concerns created by the illegal immigration impact on African Americans as well. The availability for affordable housing has been a source of tension between African Americans and illegal immigrants. Competition for affordable housing has been at an all-time high since Katrina. "With so much of New Orleans housing

destructured and an increase in population, the real estate market has seen large increases in the prices of all residences” (Flaherty, 2006, p. 2).

The people of New Orleans also have grave concerns about education and health care. Both of these systems were not in much of an efficient and effective state prior to Katrina, and since the hurricane, both have seen tremendous losses. First, there is an absence of trained and experienced professionals to serve as teachers, doctors, nurses, dentists and other crucial professions.

There is also a shortage in the amount of facilities available to serve the community. Within the public education system of New Orleans, charter schools have become more widely used as “the NOPS district has been reduced to five schools, all of them with competitive admissions policies....The charters are run by a variety of organizations, from local neighborhood groups to national organizations. The rapid growth of charters in New Orleans has turned the city into a testing ground for the independent-school movement” (Abramson, 2007, p. 2-3). Within the health care system almost half of all health care facilities in highly affected areas are still closed (Porter, 2006, p. 2).

Again, there are new policies that further signify the impact of illegal immigration on the African American community. As examined earlier, the temporary waiver on employment eligibility documents, government aid for immigrants (H.R. 3827), and the Housing Recovery Act of 2007 (H.R. 1227), have all influenced the impact illegal immigration has on African Americans in New Orleans. All three of these policies benefit illegal immigrants in one way and create further competition between African Americans and immigrants, thereby creating a deeper rift between the groups.

Budgetary Impacts

With an estimated \$81.2 billion in damages post-Katrina and a myriad of new problems to solve, both federal and local government spending has and will continue to be highly impacted. Moreover, the presence of illegal immigrants in New Orleans and the impact they have on the African American community further effect government spending.

With regard to federal government spending and the Housing Recovery Act of 2007 (H.R. 1227), the Congressional Budget Office estimated that “the bill would increase direct spending by \$224 million in 2007, by \$469 million over the 2007-2012 period, and by \$269 million over the 2007-2017 period” (GovTrack.us, 2007, p. 2).

Government spending must also consider that with such a high unemployment rate in New Orleans, the amount of people on welfare is going to rise. Budgets will also have to consider the systematic repairs necessary for New Orleans to thrive. Besides the job market, money will need to be budgeted for helping school districts and health care providers. Within the education system, aside from the teacher incentive packages that school boards in the greater New Orleans area are dealing with, they must also determine how to spend money for infrastructure repairs, school supplies, programs to help students recover from time lost in the classroom, and charter schools. Within the health care system, insurance companies have and will continue to look for subsidies from federal government.

Of course government spending must also estimate the necessary funds to be allocated for dealing with illegal immigration through Immigration Customs Enforcement

(ICE). ICE requires money for the tracking of illegal immigrants, their seizure, and their deportation. All of this will require a large amount of government spending.

Public Outreach

Hurricane Katrina drew a tremendous amount of outreach from the American public. Immediately after news broke in the media of the devastation in the greater New Orleans area in August 2005, thousands of Americans took time to become more aware of the reality of the situation and how they could individually help fellow Americans.

The federal government has provided public outreach by way of proposed legislation and the creation of subcommittees in both houses of Congress that deal with Hurricane Katrina and illegal immigration. Within the U.S. House of Representatives, Representative Zoe Lofgren chairs the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. Within the U.S. Senate, Senator Mary Landrieu chairs the Senate Disaster Recovery Subcommittee.

Stakeholder participation has occurred in several forms within New Orleans while dealing with illegal immigration and the African American community post-Katrina. Politicians who represent New Orleans and Louisiana have strongly pushed legislation to provide government aid. Community organizations in New Orleans have adamantly pushed for schools to re-open and run charter schools. A small but determined amount of health care professionals who have returned to New Orleans have opened health clinics that provide services for the community at little or no cost.

The media has proved to be quite an important tool for public outreach as well. Many news anchors committed to covering the aftermath of Katrina and expose the

issues America must deal with as a result of the disaster. Media figures such as MSNBC's Chris Matthews, CNN's Larry King, and Oprah Winfrey are such examples.

Other public outreach has been noted in the sizeable amount of non-profit organizations and individual contributions made towards helping the people of New Orleans begin to recover. The American Red Cross, Boy and Girl Scouts of America, and Operation Blessing are just a few. National, government funded organizations such as AmeriCorps have committed to helping New Orleans as well. Additionally, "thousands of volunteers have taken vacation time from work or school to come and aid the recovery efforts" (Office of the Speaker, 2007, p. 2).

Conclusion

Hurricane Katrina has forever affected New Orleans and the U.S. as a whole. It served as a natural disaster that tore the Gulf Coast apart. Nearly 2,000 people died and the hurricane caused billions of dollars of damages. It made public the weaknesses of the federal government with regard to emergency preparedness and efficient evacuation plans.

As America helps the city of New Orleans deal with illegal immigration as a ramification of Hurricane Katrina and recognizes its impact on the African American community, there are several factors to assess. The major areas in which illegal immigrants have impacted the African American community include the job market, public services, and traditional southern culture. Due to the magnitude of the influence illegal immigrants have had in New Orleans, new legal issues have arisen that have massive budgetary impacts on local and federal government.

As one looks toward the future, it is estimated that recovery for New Orleans will continue to be slow in the reconstruction efforts and also with matters regarding illegal immigration. Within the next twelve months though, the current Congress is aiming to deal with immigration reform and pass bipartisan legislation. As for Hurricane Katrina victims and African Americans impacted by the presence of illegal immigrants, Congress claims that they will do everything possible to help a return to normality in New Orleans and the Gulf Coast. It is unclear what the next two years will exactly hold, but it is very clear that if the U.S. is to help the people of New Orleans, taxpayers will be paying for its reconstruction efforts for many years to come.

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Illegal Immigration and Housing Impacts By: Eric Breitenfeld

Abstract

Illegal immigration continues to be a growing factor in the rise in rental housing costs as well as the affordable housing shortage in some areas of the United States. While the illegal immigrant population, as well as the housing scarcity problem, seems to be growing more with every year, little is being done to stop it. The problem of shortages in affordable housing can be seen in a greater concentration in the gateway cities that are nearest to the United States/Mexico border. While most cities sit idly by and wait for federal action, there are some local governments that are starting to take action. Cities such as Hazelton, Pennsylvania and Escondido, California are creating city ordinances forcing landlords to check the legal status of their residents in order to avert the housing crisis and fight back against illegal immigration. While these cities and others are trying to take a stand against illegal immigration, they are being met with resistance not only by people in the cities but also by activist groups. The American Civil Liberties Union and Mexican American Legal Defense and Educational Fund have argued that such ordinances by cities are unconstitutional. If all facets of the government come together to find a solution to the housing and illegal immigration crisis, the problem can be stopped before both sides escalate tension any further.

Introduction

Housing in the United States is growing more expensive, and affordable housing is getting harder to find and every year. In border and southwestern communities one of the contributing factors to this housing pressure is illegal immigration. The shortage is particularly noticeable in the low income housing districts. (Myers, 1996) The

United States regulates the number of legal immigrants that can enter the country each year in an attempt to manage the demand for goods and services while supporting economic growth.(Briggs, 2003) Other immigrants are coming into the country illegally and establishing residence without the proper documentation. Instead of turning them away there are many landlords that are turning a blind eye to the problem of their immigration status. Apartment and house owners are ready to take money from whoever can get it to them quickest, regardless of their citizenship status. They do not acknowledge the fact that they are harboring people who are in the country illegally. The community is then impacted by the presence of illegal immigrants consuming services provided in quantities intended to serve the native and legal residents.

While state and federal governments are moving at a slow pace to come up with a resolution, local governments are starting to take action. City governments around the country are working to resolve the affordable housing crisis in their communities by trying to limit access to this scarce resource to legal residents. Federal, state and local governments have not addressed with the social issues related to illegal immigration and the lack of affordable housing.

Housing – The Growing Problem

People immigrate into the United States every year by the thousands. According to the San Francisco Gate there are an estimated 324,000 people that enter the country on temporary work visas each year as well as 980,000 people that are issued green cards. (SF Gate, 2006) In addition to those who enter legally with the proper documentation, others come into the country illegally and stay. There are a variety of ways that one might enter the country illegally. Some of these include crossing the border without going

through the proper Immigration and Customs Enforcement control point, or using false documents to enter the country. There are others who enter the country legally through temporary or work visas and then stay longer than permitted, thus violating the terms of the visa.

A common reason immigrants move into this country is to pursue a life of freedom and economic opportunity. The number of people flowing into the country has increased dramatically over the years. While it is difficult to track the number of illegal immigrants that are present in the United States, Jorge Durand estimated that out of the 7.15 million people in the United States who were from Mexico, 2.35 million of them were illegal immigrants. (Durand, Massey, & Zenteno, 2001)

With the influx of all these people there is a need for housing. Most illegal immigrants have no resources to buy a house, so they are left renting houses and apartments. Usually working in low income labor jobs, immigrant households often include many unrelated people sharing small quarters in order to pay the rent. This leads to overcrowding. Overcrowded housing is measured by having more than one person per room. Overcrowding has long been seen by experts as the primary indicator of inadequate housing (Myers & Lee, 1996).

As of 1990 California took in one third of all immigrants that came into the United States, legal and illegal. Three times as many immigrants came into California as the next highest immigrant state, which was New York (Clark, 1998). This flow of immigrants has added to the increases in residential overcrowding in California, this increase in residential overcrowding can be seen most in southern California where communities have been reshaped due to the high immigration. (Myers, 1996)

Recent coverage by the media has shown that not only are the illegal immigrants victims of the housing shortages, but they are also one of the contributing factors to them (Nielson, 2005). Illegal immigrants are jumping into the already crowded low cost housing market, competing with citizens for apartments, condos, rental houses and mobile homes. Many consider this an unfair battle, as immigrants are overcrowding the dwellings they choose, and are bringing in incomes from the many sources represented by the multiple families sharing the residence. Because of the scarcity of affordable housing, and the high demand for the units that are available, landlords are able to charge higher rents based on market competition. Therefore, individual families are not able to compete with multiple immigrant families for the same housing. The City of Long Beach and Orange County both have experience with overcrowding due to undocumented immigrants in large numbers, who are forced by the housing shortage to double and triple up in houses (Nielson, 2005). Not only is the overcrowding an added problem for the affordable housing market, but it is also a problem with health and safety of the overcrowded residents, and impacts the surrounding neighborhoods.

Hazleton, Pennsylvania – the first to make a stand

Many cities that contain large numbers of illegal immigrants are starting to get frustrated with overcrowded housing, overworked hospitals, higher crime rates and lack of federal action. Some of these cities are beginning to take action themselves by creating ordinances that impose strict penalties on business owners and landlords that are caught harboring illegal aliens. These ordinances force landlords to check the status of their renters before letting them live in the respective facilities. Section A of the Illegal Immigration Relief Act proposed by the City of Hazleton states that, “For the purposes of

this section, to let, lease, or rent a dwelling unit to an illegal alien, knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, shall be deemed to constitute harboring. To suffer or permit the occupancy of the dwelling unit by an illegal alien, knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, shall also be deemed to constitute harboring.” (Hazleton, 2006, pp. Article A, Section 1).

The city of Hazleton will only take action regarding the ordinance and illegal aliens after it has received a complaint. The city made it clear that they would not accept complaints that were based solely on race or ethnicity. After receiving complaints, the Code Enforcement Office will investigate the documents of the subjects in question. Immigration law violators will be submitted to the proper federal authorities, and landlord violators are subject to fines as well as possible suspension of their renter’s license.

Hazleton’s Illegal Immigration Act also imposes hefty penalties for people found employing illegal immigrants, and it establishes English as the city’s official language. It is a bold step considering that the United States has no declared official language. The council voted 4-1 to pass the ordinance, which has been met with some resistance. Groups such as the ACLU and Puerto Rican Legal Defense and Education Fund have threatened legal action against the City of Hazleton, stating that the ordinance is unconstitutional.

While the city has met opposition, it also has received praise from the citizens of the city who oppose illegal immigration. Hazleton City Hall cheered when Council President Joe Yannuzzi compared immigrants to burglars. He stated, "If I come home and

find someone in my home, is he just an unwanted guest? Must I keep him there and take care of him? I say he has committed a crime, and should be treated like a criminal." (Barry, 2006, p. A1) While some citizens of the city applauded Yannuzzi, others were outraged by the comments.

As can be expected, the ordinance has increased tension in the city between the whites and the Latinos. White people in the city are now very open in their discussion of their annoyance with the immigrants. (Barry, 2006) The increased tension in the city has also lead to increased violence amongst the people. Drive-by shootings have been reported since the ordinance was proposed. On May 10th, 2006, "two men shot and killed 29-year-old Derek Kichline on a Hazleton street. Both suspects are illegal immigrants from the Dominican Republic." (Simonich, 2006) There were also reports of a 14 year old firing a gun on a playground in the city the following day, the suspect that fired the gun was also in the country illegally. (Simonich, 2006)

Escondido, California – following Hazleton's lead

In a city located 60 miles from the international border, Escondido's problem with housing and illegal immigrants is much more noticeable than Hazleton's. According to the San Diego Association of Governments, Latinos represent about 42 percent of the city's population which is estimated at around 140,000. (Fried, 2006) While the number of illegal immigrants in the city is hard to estimate, the inland location with cheap housing is an easy lure for those undocumented immigrants who seek housing that is close to agricultural and labor work opportunities. In June of 2006 the city commissioned a study that was carried out by Cal State University San Marcos. The study was of the Mission Park neighborhood that is located in downtown. The study found that "80

percent of the 16,000 residents in the area were foreign-born, mostly from Mexico, and often lived in overcrowded conditions.” (Epp, 2006, pp. 1-2). With the problem of overcrowded housing growing out of control, council members felt it was time to take action.

The Escondido City Council proposed a rental ban that was modeled after the one proposed by Hazleton. It has a stronger emphasis on the illegal immigrant housing rental ban, and less emphasis on the language issue and worker ban. Like the Hazleton ordinance, a complaint needed to be filed in order for the city to pursue action. In addition to fines imposed on landlords not in compliance, Escondido added possibilities of misdemeanor charges and jail time.

Councilmember Marie Waldron was the one who originally proposed the ban due to numerous complaints received by the city about affordable housing overcrowding. She stated during the council meeting to vote on the ban, “We have had complaints of dozens of immigrants living in 1, 2 and 3 bedroom apartments. We had a fire department respond to a house fire last year for a house that was illegally rented to 19 illegal immigrants. We need to address the fact that our nation is under siege.” (Council, Oct. 4th 2006). Councilmember Waldron was frustrated by the failure of the federal legislators to deal with the illegal immigration problem that was plaguing here city. She decided that this rental ban was the best way to help the city.

While Councilmember Waldron felt that the rental ban was the best course of action, not all council members agreed. The council vote was 3-2 in favor of the rental ban, which was closer than the 4-1 vote that passed in Hazleton. Council members Sam Abed, Ed Gallo and Waldron voted in favor of the measure, while Mayor Lori Holt

Phielers and Council member Ron Newman voted against the rental ban. “Newman and Pfeiler said they recognized immigration was a popular issue, resulting from mounting frustration with federal enforcement. But they said the ordinance would do little to actually resolve those issues, since it is based on federal verification of documents.” (Fried, 2006, p. A3) The council meeting got heated as Newman accused Waldron of taking a course of action based on discrimination.

The crowd at the council meeting overflowed into courtyards and had to be controlled by police from multiple cities. While many people were angered by this new ordinance, Waldron tried to ease some by stating, “We as a city have every right to enforce federal law. Section 8 US code 1324 Federal Immigration and Nationalities Act states that harboring an illegal alien is a violation of federal law. Many people think we are making new law when in fact we are just enforcing existing law. We are dealing with the direct effect of the federal government not doing their job.” (Council, Oct. 4th 2006)

This ordinance has met many roadblocks since being voted on in October. The Escondido Human Rights Committee placed a restraining order on the ordinance through the United States District Court, citing numerous civil rights violations. The case against the City of Escondido keeps the city from enforcing the ordinance until the court case is resolved.

The ordinance also caught the attention of California Assemblyman Charles Calderon, who proposed a bill to prevent similar city action in the state. Assemblyman Calderon introduced AB 976 early this year that, according to the summary, would “prohibit a city, county, or city and county from requiring a landlord to, among other things, compile, disclose, report, provide, or otherwise take any action regarding a tenant

or a prospective tenant based on the immigration or citizenship status of that tenant." (Eakins, 2007, p. B1) Calderon stated in an interview that this was the first time he had seen a city develop foreign policy. The bill was passed through the Assembly Judiciary committee on date and will go to the Assembly floor for final passage before being referred to the State Senate.

Despite the tremendous opposition to the ordinance and its small chance to be put into effect, it caught the attention of state legislatures that may look at a new course of action to help overcrowded cities like Escondido. While the rental ban may not have been the best solution to Escondido's housing problem, it may lead to a better one.

Other cities – same idea

Farmers Branch joined Hazleton and Escondido in setting forth measures to impose rental bans on illegal immigrants. While the Texas town is unlikely to get the rental ban enacted, it shows that they are searching for solutions to the growing housing problems present due to illegal immigration. (Blumenthal, 2006) The American Civil Liberties Union and the Mexican American Legal Defense and Educational Fund have set forth a suit challenging the rental ban. They are challenging the ban under what they say violates the due process clause and exceeds the city's powers, since they should not be enacting federal law. (Bustillo, 2006)

Similar ordinances have also been proposed in Colorado and Georgia. Cities in these states are fighting the overcrowding of affordable housing, as well as schools. These ordinances have met the same opposition from individuals and civil rights groups, making them difficult to pass. There are two sides to the issue and there is bound to be

one side that is angered no matter what the decision on the rental bans. There is no easy passage in sight for those cities attempting to pass the rental bans.

The Opposition Groups

There are numerous civil rights groups and committees that are opposing illegal immigrant rental bans all over the country. Groups like the American Civil Liberties Union and the Mexican American Legal Defense and Educational Fund are filing suits and blocking action by cities to stop illegal immigrants from obtaining housing. While these groups are protecting illegal immigrants there is still a housing problem that needs to be solved

In all cases against the cities the same arguments have been filed. Violation of constitutional rights and inability to enforce federal law seem to be brought up in most suits. This has been leading to the question of what constitutional rights illegal immigrants possess, since they are not citizens of the United States. The opposition groups also argue that the cities are forcing landlords and business owners to become federal agents checking the status of tenants. The issues between these groups and those cities trying to impose rental bans are continuing a battle that will not end soon. Until state or federal legislators take action to help create more affordable housing, cities are likely to create self-protective laws, and the lawsuits will continue.

Conclusion

The housing crisis is one that continues to grow every month and every year. While legal immigrants are a contributing factor, so are illegal immigrants. Overcrowding is common among illegal immigrants. The overcrowding creates issues beyond the availability of affordable housing, such as health and safety, as well as an

increase in violence. The process of fixing the problems of illegal immigration is a difficult task; there is no easy solution in sight.

Cities around the county are getting impatient with government inaction, and are starting to take matters into their own hands to fix the problems with immigration and affordable housing. While some may think their ideas are radical and unconstitutional, they are a start on the problem of providing adequate and decent housing. Local councils are trying to fix their cities where they believe Congress has failed them. Most cities are becoming even further divided by the tension between locals and the illegal immigrants.

The light at the end of the tunnel may be the fact that state and federal legislators are noticing the problems, and the eagerness of cities to find a solution. All the activity by cities may be enough to spur the complacent legislators into action to help the growing affordable housing problem. The Assembly bill proposed in California is a strike against rental bans, but the idea that help is needed is out there.

There needs to be more action among local, state and federal governments to help find a solution to the housing crisis and illegal immigration problems. Ignoring the problem or playing the waiting game is just simply not a solution. There is a real problem that needs to be solved. Without an easy readily available solution, everyone needs to come together and find the resolution that is best for everyone that is involved.

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ILLEGAL IMMIGRATION :

SECURITY

Illegal Immigration and the Wall Along the Border:

Costs/Benefits

Mohammed Abdo

Abstract

This article presents an accumulation of research that focuses on the building of a 700-mile long wall on the U.S.-Mexico boarder. The author provides pro and con arguments for building the wall, as well as explores the different interest groups that have been unable to reach a consensus over a course of action that would be effective in reducing illegal border crossings from Mexico into the United States. The article concludes that the wall, at best, is only part of a "mixed bag" approach that is needed to deter illegal crossings.

Background

The rising number of unauthorized foreign-born people in the United States has raised much public controversy and debate. The number has exceeded 12 million, nearly one-third of all foreign-born U.S. residents. This controversy has prompted massive public debate, huge public demonstrations, and recent congressional action. In December 2006, the U.S. House of Representatives approved an enforcement-only bill that would authorize the building of a 700-mile long wall on the border between Mexico and the United States. The U.S. Senate is now considering a bill that increases enforcement efforts, launches new a guest worker program, and allows some of the unauthorized foreign-born to eventually become legal immigrants and naturalized U.S. citizens. One

of the questions posed in the debate is whether or not the wall along the border of Mexico will be the best solution to the immigration problem (Martin, P., 2006, April 11).

The building of the wall along the border between the United States and Mexico has been a controversial issue to many for a variety of different reasons. There have been arguments made that the wall along the border is comparable to the so-called “apartheid wall” being built in Israel to block off the Palestinian territories. Some argue that it forces immigrants further out into regions without fencing that are generally very hot and dangerous. Others argue that the wall is very costly and will not prevent someone from crossing the border if they are determined to enter the United States.

Another important question is whether a wall along the border will justify its costs by slowing the flow of illegal aliens into the U.S. It is argued that there are many different ways to enter the U.S. and it is not worth spending the tax money or the effort on a tactic that might not deter illegal immigration. The wall is expensive to build and the citizens have to pay for it, and not everyone is convinced that it will work. As well as opposition to the building of the wall, there are other groups who strongly support the idea and even feel that it is overdue. This strong support versus opposition to the building of the wall is what causes the controversy. Will a wall be effective in light of new technology and more determined migrants?

Before these questions can be answered, there needs to be a better understanding of the history and background of the complex issue of immigration. For centuries, people have migrated to the United States in hopes of living a better life in this land of opportunity. Since the 1960s, the United States has experienced a huge surge in immigration. In more recent times, the percentage of the U.S. population that is foreign-

born surpassed 10% in 2000, with new immigrants making up nearly half of recent U.S. population growth. Illegal aliens make up nearly one-third of new U.S. immigrants. Current U.S. policy sets a quota on overall immigration, with first priority for admissions given to family members of U.S. citizens and legal residents. In recent years, less than 15% of new immigrants have been admitted based on their skill level. What this means is that this policy favors immigrants with relatively little education. Recent immigrants tend to concentrate in specific fields and industries in certain locations and tend to earn much less than the native workers (Hanson, G., Scheve, K., Slaughter, M., & Spilimbergo, A., 2001, May).

Although recent immigrants tend to concentrate in selective geographic locations, the wages of native-born workers have not fallen significantly in those communities in which immigrants settle. Regions with significant immigration have adjusted to the inflows through other means, including the skill upgrading of the native labor force, migration of native workers to other geographic locations, and shifts in output mix toward immigrant-intensive industries. If education levels of the U.S. labor force increase and stabilize, as they are expected to do, the wage impacts of immigration may be more significant (Hanson, G., Scheve, K., Slaughter, M., & Spilimbergo, A., 2001, May).

Among the first to organize politically around the issue of America's penetrable southern border was a group of militiamen who call themselves, "the Minutemen." "The Minutemen" are named after the volunteer militias in the American colonies who rebelled against the British rule about two centuries ago. Their mission today is not to liberate occupied territory, but to prevent the flow of illegal immigrants across the border. The

group of civilian volunteers has pledged to defend the borders from foreign infiltration and ensure America's Homeland Security, a mission which they feel the American government has not fulfilled. They have persistently brought attention to the issue of the flow of illegal immigrants and deployed volunteers to monitor and patrol the southwestern frontier. More recently, they have offered to begin construction of a private security fence in the face of the government's lack of action (Zelen B., 2006, May).

The tendency of people when forming an opinion on immigration is to be influenced by expectations about the impact on outcomes in the labor market and on public services and the welfare state. To be specific, less skilled workers and political conservatives tend to be among the ones opposed to freer immigration policies. Congressional representatives seem to respond to these and other concerns in their own districts when it is time to vote on legislation.

Key decisions for U.S. policy makers today include whether to replace family-based immigration with skills-based immigration, whether to continue to exclude immigrants from access to most forms of public assistance, whether to expand temporary immigration, and how to balance border and interior policing in enforcement against illegal immigration. They must also weigh the costs, benefits, objections, possible effects and any other issues relating to the rather new issue of constructing a wall along the border.

Legal Issues

Many of the legal issues surrounding the construction of the wall concern the cost to build and maintain it, as well as the debate over its effectiveness. Congress passed and President Bush signed the Secure Fence Act last fall. It authorizes the U.S. Department

of Homeland Security to build a \$2.2 billion wall in five sections along 700 miles of the 2000-mile long U.S.–Mexican border. One section would run from Calexico, California, to Douglas, Arizona. To date, Congress has allocated no money to build the full wall, but it has appropriated \$1.2 billion for infrastructure, plus \$67 million for a 28-mile segment in Arizona. So far, the political debate surrounding a border wall has focused mostly on illegal immigrants, drug smugglers and terrorists. The U.S. House of Representatives passed H.R. 4437, the controversial 2005 bill to not only to construct a 700-mile long anti-immigration fence along the U.S.-Mexican border, but also to criminalize anyone present in the U.S. illegally, subjecting them to arrest and deportation. Any aid given to undocumented immigrants, including employers who give them jobs, is also criminalized by the bill (Martin, P., 2006, April 11).

Another important issue that few outside of the conservation and biology communities have considered is the impact of building a wall on wildlife. A study done last fall on border ecology in Tucson, Arizona, sponsored by Defenders of Wildlife and the Wildlands Project, has helped to focus attention on the proposed wall's biological effects. A second study conducted by the two groups brought together local and regional environmental and conservation organizations, state and federal wildlife and land agencies, and university researchers. It examined issues relating to border ecology and the proposed wall, said Jenny Neeley, Defenders of Wildlife's Southwest representative. Study participants expressed concerns that the proposed wall would cut off the U.S. from Mexican populations of such species as javelins, ocelots, and Sonoran pronghorn. A wall would also prevent jaguars from repopulating the southwestern part of the United States from a population in Mexico's Sierra Madre Occidental forests. Brian Nowicki, a

biologist for the Center for Biological Diversity Conservation, says that thirty endangered, threatened, or candidate species live along the U.S.–Mexican border in Arizona and Sonora, fifteen in the area where the wall would be built. Despite these very important concerns, a law known as the REAL ID Act allows the Secretary of Homeland Security to exempt the wall from environmental assessments or legal challenges due to national security (Cohn, J., 2007, January).

Analysis

The majority of illegal immigrants in the United States come from Mexico. Most illegal immigrants enter the country either by crossing the border or by overstaying their entry visas. The U.S. government makes efforts to slow illegal immigration by policing borders and monitoring employers, with the vast majority of money and resources dedicated to border enforcement. These efforts appear to have had little success, as the inflow of illegal immigrants continues at nearly the same rate. The inflow of illegal immigration puts strain on the host-country of the immigrants. Healthcare, public education, and other welfare services are among the areas most severely impacted in the host country (Either, W. 1986, March). Before the Welfare Reform Act of 1996, immigrants were more likely to receive public assistance than native-born Americans. New laws have been put into place that limit and even restrict access to many benefits. The exclusion of immigrants from public assistance has been subject of many debates and numerous judicial challenges.

Another attempt at reform in the issue of immigration was the passage of the Immigration Reform and Control Act (IRCA) in 1986. The IRCA had two main parts. The first was to give legal status or amnesty to certain immigrants, and the other

was to impose penalties, referred to as employer sanctions, on employers who “knowingly” hired illegal immigrants for work. Some interest groups, such as Hispanic and civil liberties organizations, favored amnesty, but opposed sanctions on employers for hiring illegal immigrants. Other groups favored the sanctions, but opposed amnesty for the illegal immigrants. Still others opposed both because the legislation was deemed inadequate to address fundamental issues. This caused a legislative stalemate on the issue. The IRCA also established a provision that if “wide-spread” discrimination was caused through the employer sanctions, according to a report by the General Accounting Office (now known as the Government Accountability Office or GAO), then the sanctions would be repealed. The GAO found discrimination in at least 10% of cases studied, and the employment sanctions were not repealed (Danato, K., Durand, J., & Massey, D. 1992, May).

With such large business enterprises finding their interests aligned with the aspirations of millions of America’s illegal workers, it is no wonder that there is such a huge political debate over the border and the fates of the illegal workers. It has become a complicated issue among both the Democratic and Republican parties. The U.S. Senate came close to a compromise in April 2007 that would have tightened border security and also made it easier for the nearly twelve million immigrants to gain citizenship. The plan ended up falling apart because of legislative dissension. Democrats criticized Republicans and the President for supporting “a plan that would criminalize immigrants, families, doctors, and even churches just for giving communion,” while Republicans are fighting against the Democrats for rejecting the Republican plan that envisioned a path to legal status for many illegal immigrants in America.

In the state of California where there is a large population of illegal immigrants in a predominantly Democratic state, Governor Arnold Schwarzenegger has tried to find some middle ground. Schwarzenegger himself is an immigrant who speaks of the American dream, and has questioned the appropriateness of a fence on the border. He feels that a wall is both obsolete and disadvantageous to the State's economy. The California governor came down hard against tough immigration proposals including the wall, which he described as “going back to the stone age.” He asserted that we have advanced technology that put a man on the moon, and building such a wall would be old-fashioned. He added that the border should be monitored by modern technology, because who is to say that if a wall is built, they will not just build tunnels. Although he continues to oppose granting amnesty to the illegal immigrants, he blasts those to the far right, like the Minutemen, who call for such radical measures as simply deporting them. He added that “it would cost \$500 billion. Who’s going to pay for that?” (Zelen B., 2006, May).

Another outspoken voice in California is Republican Congressman Duncan Hunter who serves as chairman of the House Armed Services Committee. He claims that “You have to be able to enforce your borders. It is no longer just an immigration issue. It is a national security issue.” Although the proposal of a border fence is often compared to the security fence in the West Bank which is criticized all over the world, Hunter points out that the Israeli fence has drastically reduced the external security threat. Hunter explains that “people have made stupid editorial comments about the Great Wall of China,” but he points out that “the only thing that worked is that fence.”

Danna Harman of the *Christian Science Monitor* reports on how the debate on the issue continues. Harman notes that proponents of a fence argue that these measures can be effective and mentions the San Diego sector as an example of where a fence was erected and enforcement was beefed up. The area saw a huge drop in the number of attempted crossings. But Harman explains that “such measures only serve to push the human traffic elsewhere,” further noting that “this only sent people to Texas.” Harman points out that beefed up monitoring and security only serves to push people out to more harsh regions with difficult terrain where temperatures can reach over one hundred degrees. As a result, 473 would-be immigrants died in 2005 attempting to cross the border (Zelen B., 2006, May).

Costs

A 10-fold increase in border patrol spending, three-tiered walls, and raids on hundreds of U.S. workplaces have not put much of a dent in the growth in the number of illegal immigrants in the United States. In fact, our enforcement-only efforts have only pushed the flow of humanity further into more remote regions of the border. Our policy has had three severe consequences. Immigrants sneaking across the border are actually more likely to succeed today than in the past because they are passing through more remote areas and smugglers have become more sophisticated. Also, those crossing the border illegally are also more likely to die excruciating deaths from dehydration, heat stroke, and other causes. In the past decade, 3,500 people have died along the border trying to enter the United States. The third is that those who do enter the United States are more likely to stay because the expense and risk of re-crossing the border makes them

hesitate to return home. As a result, the average length of stay has nearly doubled, from about 2.6 years to more than 5 years (Grisworld, T., 2006, May 18).

As mentioned earlier, the Department of Homeland Security has authorized 2.2 billion dollars for the building of the 700-mile security wall. So far, Congress has appropriated no money to build the full wall, but it has appropriated \$1.2 billion for infrastructure plus \$67 million for a 28-mile segment in Arizona. The costs of building the wall have been a huge issue in the ongoing debate over illegal immigration, as the costs of building the entire wall are estimated to be \$50-\$100 billion. The economic impacts are also a major issue and factor of the debate. So far more extreme measures have been rejected for reasons including high costs. The Minutemen's push to have a 2000-mile fence built blocking off the entire southern border has been rejected, although the idea has become more widely accepted. Such a fence would cost nearly three times as much the 700-mile fence. Other more extreme right-wing proposals, like "send em' all back," have been rejected for having such huge costs and a major negative impact on the economy. Governor Schwarzenegger of California claims that it would cost \$500 billion to do something like that. It is also likely that the economy would plummet severely, and the prices of commodities like fruits and vegetables, normally picked and maintained by illegal immigrants, and other services like housekeeping and childcare, would skyrocket (Zelen B., 2006, May).

Although the building of the 700-mile border wall is controversial in itself for reasons such as the major costs, there are still voices that push for more to be done than just building a 700-mile wall. California Republican Congressman Duncan Hunter proposed building a longer fence that stretches from San Diego, California to

Brownsville, Texas. There is not much support for his proposal, even within his own Republican Party. Republican Governor Arnold Schwarzenegger feels that a wall is too old-fashioned and that we should rely on modern technology to secure our borders. Hunter notes that the issue is controversial even to the Bush administration, adding that they believe “a Berlin Wall-style barrier would be a huge waste of money – adding costs up to \$8 billion.” He also adds that Border Patrol Chief David Aguilar believes that “it makes more sense to use a mixed bag of additional agents, better surveillance, and tougher enforcement of immigration laws – and fences,” which would also have a hefty price tag (Zelen B., 2006, May).

The Public

Currently, the issue of illegal immigration and border security is in the forefront of public discourse, and is receiving a lot of attention from the media, concerned citizens, and politicians. It seems like the country is split on the issue between groups like the Minutemen and the millions who took to the streets, and between partisanship in the political arena. The issues, including those pertaining to the building of the border wall, have created activists of two different extremes and put the different partisanship at each others’ necks. There seems to be a desire for some middle ground and that is why the debate continues (Zelen B., 2006, May).

The media has been absorbed in the topic since the issue of national security swept the nation after the September 11th attacks. There is a common agreement that security needs to be tightened, but the means and ways to do it keep the debate, activism, and partisan divide going strong (Reynolds, M., Gaouette, N., 2006, May 29).

The minutemen were initially brushed off by the political elites, but their persistence on the issue, along with America's growing concern of under-secured borders during our War on Terrorism, has put them onto the front pages of newspapers and on prominent talk shows, as their issue has risen to the top of American political agenda (Zelen B., 2006, May).

To add fuel to the burning political debate, the 12 million illegal immigrants have recognized a unique opportunity to assert their will instead of simply laying low and trying to avoid deportation as they have in the past. Millions have taken to the streets in protests across the country resulting in the largest mass protests since the Vietnam War. The most recent demonstration of huge significance was held on May Day, May 1st, 2006, resulted in closing factories, emptying schools, and briefly shutting down much of the economy that depends on cheap labor. This mass protest was called "a day without an immigrant." It was to show the impact the economy would feel if we did not have immigrants who contribute so much to the cheap labor in this country (Martin, P., 2006, April 11).

Conclusion

The balance of partisanship has been seen in the development outcomes so far, and now we are beginning to see the balance of power represented in developments. Just a couple of years ago the Republicans had control of both the House and the Executive Branch with the Bush administration in the White House, giving them the upper hand in the debate. After the new elections the Democrats have swept the House and have control of the Senate, giving them more power at the negotiation table.

It will be interesting to see how things play out in the next year with more of a balance of power between the partisanship with the Democrats in the House and Senate, and Republicans in the White House. The outcomes will likely be more in the middle with the balance, instead of more to the right, as it was when the Republicans had both houses.

It may be even more interesting to see what will happen in the next two years with the new presidential elections around the corner next year. There is a common feeling that the Democrats will win the presidency due to the poor handling of the war in Iraq by the Bush administration. If the Democrats keep both houses and take the Presidency, we may see a 180-degree turn on the issues of immigration and national security.

The costs of the wall would be justified if it slowed the flow of illegal immigration, provided better security and a decrease in the reliance on public programs for illegal immigrants. The problem is that a physical wall will not deter people from entering the United States. It simply forces would-be immigrants to cross in other regions of the 2000-mile border where there is no wall; sometimes resulting in their deaths because of the harsh desert environment. For that reason it is difficult to measure the success of a wall. The problem with building a wall that stretches across the entire southern border is that it would be very costly and would result in would-be immigrants finding other means to cross the border, such as digging tunnels. Going back to the example of San Diego, where a 14-mile section of fence was erected, the number of would-be immigrants caught trying to cross the border has decreased dramatically, but other areas with no wall, like in parts of Texas, the numbers of illegal migrants caught trying to cross the border have increased dramatically (Zelen B., 2006, May).

Another problem with the building of a wall is that there is an increase in the determination of people who want to cross the border, as well as an increase in the sophistication of coyotes bringing people across the border. Governor Schwarzenegger explains, “If I say now, ‘yes let’s build the wall,’ what would prevent you from building a tunnel? How many tunnels have been built in the last year?” He added, “I mean we’ve detected tunnels left and right that people can drive a truck through” (Zelen B., 2006, May).

If we really want to secure our borders and really make a huge impact on illegal immigration, more than likely we will have to spend money, and probably lots of it. Border Patrol Chief David Aguilar makes a strong argument when he asserts that, “it makes more sense to use a mixed bag of additional agents, better surveillance, and tougher enforcement of immigration laws – and fences.” A mixed bag would likely do a lot to help, but the question remaining to be answered is, “Are we willing to spend the money?”

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Military build up at the United States-Mexico Border

By: Steven Le

Abstract

The question that the United States has about the illegal immigration dilemma no longer exists. It has been an ongoing problem for decades, but recently has received tremendous attention and continues to become a great concern to the American public. There has been a large increase in illegal immigration across the U.S.-Mexico borders. In recent years, the U.S. has begun taking initiatives to try and stop or slow down the flow of illegal immigrants. Especially with the country's current concern for terrorism, securing our borders has become a priority amongst public officials. One effort to quell the flow of illegal immigrants has been to deploy the National Guard along the border to work alongside the Border Patrol. In addition, Congress has passed legislation to build a 700-mile fence along the U.S.-Mexico border. These efforts can do damage to America's foreign policy and the U.S.'s national debt. By using the National Guard and building a 700-mile fence along the U.S.-Mexico border, the U.S. projects a militaristic image on U.S. immigration policy. It would be more cost effective to develop a more long-term solution to illegal immigration by finding out the root of the problem.

Basics of Illegal Immigration

In order to understand the problem of illegal immigration and the security of the border, the history of the problem should be examined. For decades, the U.S. has been using the U.S. Border Patrol to protect and secure its borders. Illegal immigration is no

stranger to the U.S.; illegal immigrants have been trying to enter the U.S. since the implementation of immigration controls. Ever since the U.S. blossomed into one of the most powerful nation in the world both militarily and economically, illegal immigration has been a problem. The U.S. Border Patrol has always been an active participant in the effort to stop illegal immigration throughout the years. In addition, border security has always been a strong agenda in the U.S. Especially after 9/11, border security became increasingly of interest in Washington.²¹

The U.S. Border Patrol was established in the early 1900s. The Border Patrol began patrolling the border with about 75 men referred to as “Mounted Guards.” In the early stages of illegal immigration, the Border Patrol pursued Chinese immigrants who were trying to avoid Chinese Exclusion Laws, which excluded the Chinese from migrating to the U.S. for 10 years. The Chinese Exclusion Act was passed due to the overwhelming number of Chinese immigrants coming into the U.S. because of the Gold Rush and the construction of the Trans Continental Railroad.²²

In 1920, Border Patrol refocused on enforcing prohibition. The 18th amendment to the U.S. Constitution prohibited the importation, transport, manufacture or sale of alcoholic beverages, which gave the Border Patrol new attention from the U.S. government. Around this time, Congress also passed the Immigration Acts of 1921 and 1924, and the Appropriation Act of 1924, which officially established the Border Patrol for the purpose of securing the borders between inspection stations. In 1932, the Border Patrol was split up into two different areas. One would be in charge of the Mexican border based in El Paso, and the other in charge of the Canadian border based in Detroit.

²¹ History of the Border Patrol from official site <http://www.cbp.gov/xp/cgov/toolbox/about/history/>

²² Border Patrol history http://www.cbp.gov/xp/cgov/border_security/border_patrol/history.xml

The majority of the Border Patrol was stationed in Detroit where liquor and alien smuggling were commonplace along the Canadian border.²³

By 1952, the U.S. Border Patrol began shifting its operations to the U.S.-Mexico border where illegal immigrants began starting to cross the border in large numbers. For the first time, illegal immigrants traveling within the country were permitted by the government to be arrested by the Border Patrol. During this time, the large amount of Border Patrol officers stationed in Detroit was transferred down to the Mexican border. From 1952 to the 1980s and 1990s there has been a tremendous increase of illegal migration to America. The U.S. responded with increased Border Patrol personnel and the use of modern technology. In recent years, the U.S. Border Patrol uses modern technology similar to what the U.S. military uses: infrared night-vision scopes, seismic sensors, and modern computer systems used to assist in locating, apprehending, and processing illegal immigrants.²⁴

The Border Patrol's priorities have changed over the years. In 1986, the Immigration Reform and Control Act (IRCA) gave new attention to controlling illegal immigration by targeting employers that hire illegal immigrants. The idea behind this act was the belief that illegal immigrants were more inclined to cross the border due to the amount of jobs available to them. This act did not prove to be an effective tool in combating illegal immigration. Illegal immigration continued through the 1980s despite 1986's amnesty passed by Congress. In the early 1990s, when Bill Clinton became president, a series of reforms was made to the Border Patrol and border security.

²³ Border Patrol history http://www.cbp.gov/xp/cgov/border_security/border_patrol/history.xml

²⁴ Use of technology www.usborderpatrol.com

Past Initiatives in Deterring Illegal Immigration

Into the 1990s, the Border Patrol came up with new strategies for addressing the issue of illegal immigration. The Border Patrol assessed that its old methods have not been effective, and moved along the lines of using deterrence and technology to try and control illegal immigration. In 1993, the Clinton Administration began an experimental policy in an attempt to enforce control over illegal immigration. Clinton started this experiment by implementing two key policy shifts. The first key policy was an increase in budget for the Immigration and Naturalization Service (INS). As a result, the fiscal budget for the INS in 2002 was 5.5 billion, which is more than triple what it was in 1993. The second key policy was to use the new resources and concentrate them in small areas along the border where illegal immigrants usually try to enter.

Clinton's Office of National Drug Control Policy released a new study for a way to increase border security. The study suggested that the Border Patrol try to stop the would-be illegal immigrants from entering rather than trying to arrest and apprehend them at the border or on U.S. soil. Silvestre Reyes, who was the regional Border Patrol supervisor in El Paso, Texas, devised a new enforcement strategy for his area. He had planned to station Border Patrol agents in narrowly spaced vehicles along the Rio Grande, and to keep them there so that they would intimidate would-be illegal immigrants. Reye's plan had dramatic results, causing arrests to go down 76 percent in 1994. Reye's plan was directly stationing the Border Patrol at the border. Being deployed at the border gave the Border Patrol an opportunity to immediately detect any attempts by illegal immigrants to cross the border or reroute migrants to more remote areas. Though

this operation turned into an immediate success, immigrants ended up crossing through different areas.

From the El Paso experiment, the INS began becoming under pressure to replicate the strategy along the whole Mexican-U.S. border. Implementing the strategy called for numerous resources to be used. For example, thousands of border patrol agents would be positioned in tight spaces where immigrants would usually enter. They also constructed high-intensity stadium lights, ten-foot high steel fences, infrared scopes, motion-detectors and other high tech gadgets along the border. In addition, a new computerized system called “IDENT” was used. Each illegal immigrant who is arrested is photographed; their fingerprints, biographical data, and the date and location of his arrest are entered into the IDENT database. The system was developed to try and identify repeat migrants. This new strategy was eventually named “Operation Hold the Line,” and was only implemented in a few key areas along the border.²⁵

After “Operation Hold the Line” was initiated, INS began a series of operations to further prevent illegal immigration. The first operation in the series was “Operation Gatekeeper.” “Operation Gatekeeper” was carried out in three phases. The first phase placement of most of the INS resources went, a 14-mile stretch from the Pacific Ocean to the Otay Mesa port of entry. The second phase was extending the operation eastward to Tecate, into the mountains of East San Diego County. In the third phase, “Gatekeeper” extended across San Diego County into Imperial Country, and all the way to Yuma, Arizona.

²⁵ Information on various operations found in excerpts from “Death at the Border: Efficacy and Unintended Consequences of US Immigration Control Policy” by Wayne A. Cornelius

The next operation was “Operation Safeguard,” which intended to improve control along the 300 miles of international border in Arizona. The reason for “Operation Safeguard” is that California was no longer the hotbed of illegal immigration activity, and the flow of immigrants shifted to Arizona. “Operation Safeguard” did not receive sufficient funds until 1999 when it was apparent that the INS did not have enough resources in Arizona. Finally, “Operation Rio Grande” was started in 1997 to secure the South Rio Grande Valley of Texas.

Since the 1990s, the U.S. has moved towards a more aggressive stance on illegal immigration. The U.S.-Mexico border has been increasingly militarized and populated by the Border Patrol. What started as a 75-man patrol unit in the early 1990s now has thousands of agents patrolling the border. Since then, in 2005, the U.S. Border Patrol published an updated national strategy to combat illegal immigration. The strategy consists of 5 objectives. First is “Establish substantial probability of apprehending terrorist and their weapons as they attempt to enter illegally between the ports of entry.” Second is to “Deter illegal entries through improved enforcement.” Third is to “Detect, apprehend, and deter smugglers of humans, drugs, and other contraband.” Fourth is to “Leverage “Smart Border” technology to multiply the effect of enforcement personnel.” And finally, the fifth objective is to “Reduce crime in border communities and consequently improve the quality of life and economic vitality of targeted areas.”

U.S. Initiatives to Stop Illegal Immigration

The U.S. Border Patrol has been the essence of American border security. Since the Bush Administration began, a variety of strategies have been implemented to

maintain the Bush Administration's hard stance on illegal immigration. Adding to the issue of border security, the U.S. Congress has passed legislation to build a 700-mile fence to help keep out and discourage illegal immigrants from crossing the border. In 2006, a proposal to build a double set of steel walls with floodlights, surveillance cameras and motion detectors along one-third of the U.S.-Mexico border was voted on by Congress and signed by President Bush. The idea behind the wall was the belief that it would prevent illegal immigrants and potential terrorists from crossing the border into the U.S. The wall would run along 5 segments of the 1,952-mile U.S.-Mexico border, which has the most crossings. With the border being 1,952-miles long, the fence would only account for 1/3rd of the border, 700-miles. The wall has already shaken up diplomatic relations with Mexico.

The 700-mile wall has not been the only new addition to the U.S.-Mexico border. The Bush Administration has launched an operation called "Operation Jump Start" back in June of 2006. Under "Operation Jump Start," about 6,000 National Guardsmen have been deployed to help the Border Patrol further secure the U.S.-Mexico border. The plan is for the National Guardsmen to provide immediate help with surveillance, construction, and logistics. The National Guardsmen are building fences, and also manning detection equipment on the border and in command centers. With the arrival of the National Guard, Border States have tremendous manpower in deterring and apprehending illegal immigrants. While the National Guard is being used at the border, the Border Patrol itself will try to boost their number of Border Patrol Agents to about 18,000. Interestingly enough, the National Guard is not involved in actual law enforcement activities. The National Guard is mainly there to support the Border Patrol in surveillance. By bringing

in the National Guard for surveillance purposes, the Border Patrol frees up many agents to be deployed as field units.

These recent initiatives by the U.S. government to try to stop illegal immigration are becoming more and more aggressive. In a time where U.S. foreign policy is barely staying afloat, these efforts to stop illegal immigration are not helping much. Building walls, deploying National Guardsman, and attempting to build up a large Border Patrol may be viewed as hostile and aggressive. Even though the title of the Border Patrol has a less hostile tone to it, the Border Patrol is quite similar to a military force.

Mexico's government has expressed concern about the increased military build up along the U.S.-Mexico border. Felipe Calderon, current President of Mexico, was quoted saying, "Walls are no a solution," when asked about his opinion on the 700-mile wall. Calderon believes that the issue of illegal immigration is unpleasant for both countries, which raises sensitive issues and divides Mexican families. This entire military build up and walling the border is not a good long-term solution to the issue. In the long run, the U.S. will be paying billions of dollars finishing up this 700-mile wall and paying the estimated cost for the boost of 18,000 Border Patrol agents. On top of the amount it will cost to build the wall, we have to take into account the cost of maintaining the wall and also building a wall along the rest of the border. The wall is estimated to cost anywhere between \$1.3 billion to \$7 billion dollars, but with a few miles of wall already done, estimated costs have skyrocketed up to about \$49 billion dollars.

As the U.S. constructs more of the wall, the cost may rise to the \$100 billions. On top of this cost, the bill signed by President Bush includes no means of funding the wall. The only funding available for the wall is a \$1.2 billion dollar down payment authorized

by Congress. This down payment is also meant for the roads and surveillance technologies for the wall. Where will more money come from to fund the wall? If an illegal immigrant were willing to put his life on the line to come to seek a better life, how would a 700-mile wall stop immigration?

Like the many operations, which came before the current Operation Jump Start and the 700-mile wall, illegal immigrants will just find another way. Of course, we will see immediate results, but immigrants will just find other ways across the border. The deployment of the National Guardsmen does not necessarily help the issue. Immigrants will continue to try to cross the border regardless of how many personnel are put at the border. The use of the National Guard is solely for surveillance purposes, they cannot combat or apprehend illegal immigrants. They would have to call the Border Patrol for any forms of combat and apprehensions. The National Guard are military trained and ready for combat, but using the National Guard strictly for surveillance purposes does not benefit from their specialized training.

Frontline Experience

Arnold Phan, a National Guardsman, received 2 weeks of training along the border. He described life at the border. “We were trained in the use of surveillance equipment and the proper procedures for calling upon the Border Patrol when an illegal was sighted.” Phan mentioned how he felt all the operations and tasks going on at the border would not seem like a likely solution to the problem. “When you’re down at the border, you see the immigrants trying to cross risking everything down to their own life just to find something better,” says Phan about his account sighting illegal immigrants.

People want to migrate to the U.S. in an attempt for a better life; they do not want guns pointed at them. “Seeing their eyes when the Border Patrol comes with guns out, you see the fear,” explains Phan. Our forceful and aggressive ways are not helping anyone. “We are portrayed as ruthless and brutal.” Using the National Guard seems like a waste of their training and our resources, costing the U.S. more and more money, but in the end, the issue presses on and illegal immigrants continue to cross over.

Phan also believes that surveillancing the U.S.-Mexico border is a waste of his training as a National Guard member. He mentions that he signed up for the National Guard to serve as a trained military person, not to sit in a box and look into binoculars. He joined the National Guard in order to go fight for his country. “Many of us felt solely doing surveillance work was a boring and a waste of time,” stated Phan. He further explains his accounts and opinions on immigration and the effectiveness of this border defense. “Sometimes, when I was down there, it did look like a war zone, but ironically we were not at war at all. Watching the Border Patrol swoop in and arrest the immigrants, I feel a sense of sorrow for them. I feel that there should be something done to help rescue the poor in Mexico. They all seem relentless and almost fearless in their attempt to cross the border.” From his account, U.S. border initiatives are doing well in keeping immigrants out, but immigrants will continue to try and cross as long as so many residents of Mexico remain poor.

Formation of a Long-Term Solution

The build up of military force along the border will not help the dilemma of illegal immigration in the long run. As a nation the U.S. must go to the source of the

problem and find out why people want to come across the borders. It is apparent that illegal migrants seek a better life, and that is their main motivation in crossing the border. Why do they seek a better life? Maybe the money being poured into border patrolling could be put into something more beneficial in the long run like helping Mexico's economy. The military build up along the border will only temporarily solve the situation. As the quality of life in Mexico continues to be impoverished, people will continue and try to cross the border.

In the next few years, the U.S. may decrease the number of people coming in, but that does not solve the immigration problem as whole. The military is already off in Iraq and Afghanistan in the middle of wars. The U.S. cannot afford to use more of our personnel, especially the National Guardsmen, who are seen as the last line of defense for the U.S. Military build up along the border gives the impression that we are at war with Mexico and illegal Immigration.

Each year, the U.S. spends millions of dollars paying Border Patrol officers and now the National Guard to patrol our borders. And now, they are spending millions for a fence across the border. Officials are beginning to say the 700-mile border fence can add up to about 49 billion dollars. That enormous sum of money could be better used elsewhere. We could try to implement policies and strategies to boost Mexico's economy. With 49 billion dollars, if invested the right way, Mexico's impoverished citizens might find better jobs in their homeland. The root of the problem is the inadequate distribution of resources and opportunities within Mexico, the world's 13th largest economy. If foreign aid were used to create more job opportunities for the poor in Mexico, in the long run, people would not have much of a reason to cross the U.S.-Mexico border.

The U.S. is challenged to find a diplomatically acceptable solution to the problem of illegal immigration, when Mexico does not cooperate by policing their side of the border. Use of the military may pose problems in the near future. By putting the resources used for border security and patrol to help, the U.S. might be able to create a stronger partnership with Mexico to prevent terrorists, human traffickers and drug runners from illegally entering the United States.

Most of our operations to secure the border have been mainly state driven and short-term solutions. A more effective approach might be getting to the root of the problem, which is getting to the reason why immigrants are trying to come to the U.S. Most of the illegal immigration is Mexican immigrants trying to get out of Mexico for a better life in the U.S. While the search for a better life is common with most immigrants from any country, most U.S. illegal immigration is coming from Mexico. The question is, “Why do they want to leave Mexico?” “What is wrong with Mexico that makes them compelled to risk their lives?”

Mexico

One of the most common misconceptions is that Mexico is a poor nation. Mexico, like all countries, has a poverty rate, but it has the necessary resources to rid itself of such wide spread poverty. Mexico is rich in natural resources, and if Mexico were to effectively allocate the income from these natural resources to social programs, it would improve life for more of its citizens. Mexico is actually one of the richest countries in Latin America when we measure in terms of Gross Domestic Product (GDP). In 2001, Mexico had the highest GDP in Latin America by a wide margin, which was 22.5 percent more than the next country in line, Brazil. Mexico is number 13 on the world’s GDP list,

so in reality Mexico is not as poor as people believe. The real problem in Mexico is the corruption and the great disparity between the economic elites and its poor. The elites will not allow any opportunities for the poor and do not want to tax themselves.

Some argue that Mexico encourages illegal immigration. As they send away all their unemployed, they receive billions in remittance cash. Knowing that their poor and unemployed will be taken care of in the U.S. pays off, because they know they do not have to pay for it themselves. They can sit on their cash piles forever as long as Mexico's poor population continues to travel to the U.S., making it America's problem and not Mexico's. The longer the U.S. allows Mexico's elite to stay corrupt and encourage illegal immigration, the longer their people will suffer. According to the World Bank, 53% of Mexico's 104 million residents live in poverty and 24% live in extreme poverty, which is defined as less than \$1 dollar a day. With the absence of government unemployment benefits or, welfare benefits, the people of Mexico are longing for a better life found in the U.S.²⁶

With all this money and resources, Mexico continues to plunge into poverty. Mexico was better off 20 years ago than it is now. Mexico's weak education system forces workers to low wages in a global economy where skill sets are needed. Since the 1980s, corruption in the Mexican government has robbed the poverty stricken people of everything from education to basic needs. Since Mexico privatized the banking systems, their banking systems have been corrupt and broken and hands out little to no credit to its people.²⁷ The people of Mexico have no means of purchasing housing and starting businesses without credit. Mexico's inability to enforce the law causes its nation to drown

²⁶ Mexico Poverty information found on
<http://www.newsmax.com/archives/articles/2004/2/26/164611.shtml>

²⁷ Privatized banking system: <http://www.newsmax.com/archives/articles/2004/2/26/164611.shtml>

in a state of chaos, where crimes are rarely punished. There was an attempt in the early 1990s to try to lift Mexico's poverty by making Mexico into a free-market society through NAFTA.

The problem lies in Mexico's corrupt infrastructure. Something needs to be done to end the corruption. The U.S. needs to start actively pressuring Mexico to push for reforms and rebuild its infrastructure into a more stable one. This plan may take years and years to accomplish, but is a more permanent solution to the problem. By helping Mexico establish a stronger central government equipped with welfare benefits, results will be seen in the long run as the government starts going. Unfortunately, for now, this is idealistic and not in the framework of the U.S. government's policy towards illegal immigration. Mexico must understand the new realities of the post 9/11 world and begin to take care of its side of the border. In order for this to happen, Mexico must finish its economic reforms so that the economy could grow larger to generate enough good jobs to keep its population at home.

For the time being, we will continue to have a military build up at the border and longer fences. The U.S. is in a process of increasing its Border Patrol drastically in an attempt to effectively secure the border. For a short-term solution, Operation Jump Start has come up with positive results. Jump Start continues to demonstrate the positive impact the presence of support troops have on securing our borders. National Guard troops have freed up Border Patrol agents for more fieldwork and are made readily available to apprehend illegal immigrants. Operation Jump Start has been under way since 2006; but measures of effectiveness are difficult to develop. In the mean time, there has been more emphasis put on the construction of the 700-mile wall and there is already

speculation regarding trying to propose more legislation to complete a wall across the whole U.S.-Mexico Border. Although passed in 2006, only about 2.5 miles of fence have been built and within those 2.5 miles of fence, costs for the overall project are only going up higher and higher.

Conclusion

The U.S. is in a dilemma both internationally and domestically. Post 9/11, security has been on the minds of the American public, and emphasis and attention have been applied by public officials. Internationally, U.S.'s foreign policy is suffering. The U.S. has been too quick in selecting solutions to illegal immigration. The military build up and aggressive approach at the border does not help this hostile international image. These plans for border control and security may be great for the U.S. in the short-term, but in the long run will become quite costly. There is no doubt that the expanded Border Patrol with the help of the National Guard will do a better job at stopping illegal immigration, but how long can the U.S. fund these operations while fighting two wars abroad in Iraq and Afghanistan. And on top of this, there is still no stable means to adequately fund the 700-mile wall project. Before the U.S. moves further and deeper in the subject of border control, the U.S. should take a step back and seek more permanent long-term solutions to the illegal immigration problem.

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Immigration And Terrorism: Is There A Link?

By Bryan DeWinter

Abstract

This article uses the 9/11 Commission Report as a case study to demonstrate how the visa and immigration policies of the U.S. failed to protect America from terrorist attacks. The author argues that the attacks on the World Trade Center and the Pentagon could have been avoided if the United States had done more to investigate visa fraud and enforce current immigration regulations. The article concludes that although new policies have been enacted, more needs to be done to ensure that acts of terrorism do not occur as a result of defective visa and immigration policies.

America's Eyes Are Opened

The tragedy of the horrific attacks on the United States during the morning of September 11th, 2001 cannot be overstated. Until that fateful day, Americans could rest comfortably, albeit naively, believing in the assumption that two vast oceans and two peaceful neighbors meant that the United States was safe from the problems that plague the rest of the world. The almost universal mindset of the American civilian population was that bus bombings in Israel, terrorist training camps in Afghanistan, and clashes between Pakistani Muslim extremists and Indian military forces were mere issues relegated to the headlines of that day's New York Times and fit for digestion over morning coffee. Such occurrences did not hamper traditional American activities, like baseball games, achieving the neighborhood's perfect lawn, and traveling by plane to take the long-awaited vacation at the ultimate resort location.

This mindset of complete security did not prevent the enemies of the West from pursuing their malicious objectives. While Americans went about their daily lives, Muslim extremists quietly crept into the United States and began to put their plans in motion. The results of their efforts came to a terrible fruition on September 11th, 2001, when all Americans either witnessed or were awakened to the tragic news that the world they had once known lay buried in the rubble at the World Trade Center in New York, the Pentagon in Washington, D.C., and scattered across a field in Pennsylvania. As citizens from all walks of life came together to grieve the losses and comfort the families, subsequent questions naturally arose – *Who could have done this? Why? How were they able to inflict such damage?* The answers to these questions would require not only a thorough examination of current world sentiments, but also a reflection and introspective assessment of American policy at home. There is a clear link between American immigration policies (be it concerning the borders or the visa programs) and the threat of terrorist attacks. The attacks on September 11th, 2001 prove that this is the case. Further evidence of this dangerous link can be found in the numerous legislative bills that have been passed since the attacks, as well as the Congressional investigations into the subject matter.

The 9/11 report helped to shed light on failed visa policies.

After the chaos that immediately followed the September 11th attacks began to settle down, American government officials began to thoroughly investigate the facts surrounding the terrible incident. The findings of this investigation are captured in the official 9/11 Commission Report, which details the events leading up to the attack as well as the responses afterward.

The first actions undertaken by the terrorists who would commit the attacks began in Los Angeles, California on January 15, 2000. Nawaf al Hazmi and Khalid al Mihdhar both arrived in Los Angeles and quickly set about the tasks before them. Both actively pursued establishing ties to local mosques, per the instructions from the 9/11 mastermind Khalid Sheikh Mohammed. This was unusual for the terrorists, because Mohammed advised all others to stay away from mosques to avoid raising suspicions and scrutiny. According to the 9/11 Report (2004), Mohammed "...instructed Hazmi and Mihdhar to pose as newly arrived Saudi students and seek assistance at local mosques" (p. 216). American officials were unable to detect these two during this period of time, due to their ability to blend in with assistance from pre-existing al-Qaeda members and America's own intelligence shortcomings (9/11 Report, 2004). Both Hazmi and Mihdhar were able to enter the United States using acquired visas. Therefore, the two were easily able to pass through Customs upon arrival in Los Angeles. Following their arrival, Mohammed directed them to pursue learning English immediately so that they could begin flight training classes as soon as possible. American Our own intelligence estimates show that these English classes occurred either in Los Angeles or San Diego, California. In either case, both Hazmi and Mihdhar were able to move through the area courtesy of assistance from the local Muslim community. The saliency and ease with which the two were able to both enter the country and avoid Customs' scrutiny, as well as move throughout the local community, both represent a failure on the American side to greater ascertain the identity of those entering the country.

It is widely speculated that Hazmi and Mihdhar were able to secure logistical support from a leading imam at the King Fahd Mosque, Fahad al Thumairy, in the Los

Angeles community. According to the 9/11 Report (2004), Thumairy was at one time a diplomat at the Saudi Arabian Consulate in southern California. Additionally, it is widely believed that Thumairy was the head of an extremist group at the King Fahd Mosque (9/11 Report, 2004). Many worshippers at the mosque later reported that Thumairy was a devoted follower of orthodox Wahhabi Islam, the same form that inspires Osama bin Laden and the radical al Qaeda organization, and that there were many members of the mosque who applauded the attacks on September 11th. Leadership within Saudi Arabia removed Thumairy from his position at the mosque following the terrorist attacks, and American State Department officials denied him entrance back into the United States in 2003 because he was deemed to be a security risk. However, the fact that Thumairy was not identified as posing such a risk before the 9/11 attacks, and therefore denied entry into the United States, represents a lapse in American intelligence and immigration capabilities.

There is evidence of continued failures within the southern California Muslim communities as well as American intelligence units cited in the 9/11 Report (2004). Following a move from Los Angeles to San Diego, Hazmi and Mihdhar continued their acting role as newly arrived students from Saudi Arabia. Under the veil provided by this role, the two established working relationships within the San Diego Muslim community. Most of these relationships related to the Islamic Center of San Diego, which was located near where the two lived. At one point, a neighbor and fellow Muslim actually allowed the two to register their newly purchased used car at the neighbor's address. The extent to which the terrorists were able to exploit the San Diego Muslim community reached new levels when, as the 9/11 Report indicates, "...Hazmi persuaded the administrator of

the Islamic Center to let him use the administrator's bank account to receive a \$5,000 wire transfer from someone in Dubai, in the United Arab Emirates" (9/11 Report, 2004, p. 220). Investigators later determined that the transfer was sent from the nephew of the 9/11 mastermind Khalid Sheikh Mohammed.

Hazmi and Mihdhar continued to use the San Diego region to further achieve their September 11th mission objectives. Among other activities, the two were able to obtain California driver's licenses, enroll in English language courses, and even enroll in flight training schools. One of the local contacts that was instrumental in their success was Mohdar Abdullah. Of Yemeni origins, Abdullah was later deported back to Yemen in 2004 following his involvement as a witness to the 9/11 investigation and concerning immigration charges. Had American officials been able to determine that Abdullah was in the country in violation of immigration laws sooner, perhaps the future attacks on September 11th may have been avoided (9/11 Report, 2004).

Suspicious activity was a warning unheeded.

Several key aspects of the time that Hazmi and Mihdhar spent in San Diego stand out as noteworthy when considering the connection between American immigration policy and terrorism. The first significant issue pertains to their attempts at learning how to fly aircraft. Ultimately, neither one was successful at learning English, and this language barrier was an impediment to their ability to enroll in flight school. While at one school that the two did attempt to utilize, Hazmi indicated to the instructor (who also happened to speak Arabic) that he was interested in learning how to fly passenger jets. The instructor thought that this was a joke, because Hazmi spoke only Arabic and there were no such flight schools. Additionally, neither Hazmi nor Mihdhar were interested in

learning how to take off or land an aircraft. The flight instructors all thought that this was strange, but only thought it indicated that the two were poor students. Neither issue was ever brought to the attention of local law enforcement. (9/11 Report, 2004).

The final issue that arose from the time that Hazmi and Mihdhar spent in San Diego relates to Hazmi's housemate. The housemate was an upstanding citizen, "...with long-standing, friendly contacts among local police and FBI personnel" (9/11 Report, 2004, p. 223). However, the housemate never thought that any behavior exhibited by Hazmi was cause for concern, and therefore never reported any of the activities to his law enforcement contacts. As the 9/11 Report states, "Nor did those contacts ask him for information about his tenants/housemates." Mihdhar later returned to the Middle East shortly after the birth of his first son, desiring to be with his family more than to commit the operations requested of him by al Qaeda leadership. Hazmi remained behind, however, and continued to press forward with his instructions while avoiding any scrutiny from American officials.

Another indication of the lapses in American immigration policy can be found when one examines the money transfers that funded the activities of the terrorists inside the United States. Much of the money came from Khalid Sheikh Mohammed's nephew, Ali Abdul Aziz Ali, in the United Arab Emirates. "Between June 29 and September 17, 2000, Ali [transferred] a total of \$114,500...[and] was not required to provide identification in sending this money and the aliases he used were not questioned" (9/11 Report, 2004, p. 224).

American immigration agents similarly failed to fully investigate another situation that occurred in mid-September, 2000. Two of the 9/11 hijackers, Mohammed Atta and

Marwan al Shehhi, applied for a change in their visa status within the United States.

Apparently, as cited in the 9/11 Report, the two sought to change their status from tourist to student and claimed to be studying at the Huffman Aviation School in Venice, Florida. But if immigration officials had followed up on the two, they would have learned that in reality, by late September of that year, the two had instead enrolled at the Jones Aviation School in Sarasota, Florida. Instructors at that school later reported to investigators that the two were dangerous students and often combative with instructors. But none of this information was reported to law enforcement officials ahead of time, and like the irregularities in the story for the change in visa status, the data points were never connected to one another in time (9/11 Report, 2004).

Immigration enforcement efforts have been effective in some instances.

The existing American immigration laws did score one victory in the battle to impede the September 11th hijackers and their plot. Ramzi Binalshibh was supposed to join the other terrorists who were already inside the United States and engaged in their instruction at American flight schools. However, Binalshibh could not seem to acquire an American visa to enter the country. He first attempted to gain entry in May and June 2000, but these attempts were rebuffed. American officials denied the applications because they stated that Binalshibh did not have "...established ties in Germany (where he was applying from) ensuring his return from a trip to the United States" (9/11 Report, 2004, p. 225). This did not stop Binalshibh completely, as he then flew to Yemen to try his luck from that location. But this application was also denied and for the same reason as the first two tries. Binalshibh attempted to gain a U.S. visa once more, this time from Berlin in Germany, but by this fourth attempt American officials were alert to his efforts

and denied the application for a similar lack of ties to the host country. American officials were able to deny a potential hijacker entry into the country by careful investigation into the individual's background ahead of time (9/11 Report, 2004).

Liberal inspectors can compromise protocol.

All of the future 9/11 hijackers were able to deceive American officials at one point in time. Mohammed Atta and Marwan al Shehhi were both extremely successful at this when, in January 2001, both faced some logistical difficulties in gaining re-entry to the United States. Both had traveled abroad, to the Middle East, and were attempting to return to the United States. However, neither terrorist had the proper student visas to present to customs officials upon arrival. This did not stop their entry, though, and both were able to "...persuade INS inspectors that they should be admitted so that they could continue their flight training. Neither operative had any problem clearing Customs" (9/11 Report, 2004, p. 229). Clearly, such "persuasion" should not have occurred, given that it represents a serious breach of national security. Additionally, all of the hijackers were able to obtain driver's licenses from the Department of Motor Vehicles, pilot's licenses from the Federal Aviation Administration, and visas that were based upon fraudulent activities and destinations (9/11 Report, 2004).

There is a connection between terrorism and illegal immigration.

All of the preceding information regarding the events surrounding the September 11th, 2001 attacks has been provided as a large and clear example of what can occur due to inefficient American immigration policies. Without question, there was no way for any American official to predict what would occur on that fateful day. However, upon undertaking a retrospective examination of the circumstances that enabled the terrorists to

commit the attacks, one discovers that there were many holes in American immigration policies that facilitated terrorist activity. Therefore, the attacks of September 11th stand as clear proof that there is a link between terrorism and illegal immigration. Given this example, one can now undertake an investigation to look at the specific areas of immigration policy that aid in terrorist activities.

When one begins to examine US immigration policy in the context of terrorist activity, one must first consider the visa programs that enable entry into the United States. American visas represent a huge security hurdle for the Department of Homeland Security and its quest to protect citizens from another attack. To fully grasp the complexity of the situation, citizens should examine the “most favored nation” status for foreign countries and its relation to travel into the United States, the visa waiver program, and the ability for American officials to enforce the regulations surrounding issued visas.

All countries possess the ability to bestow a special status upon another nation. One such status is called the “most favored nation” status, and it has serious implications for the ability of citizens to travel freely between the two nations. The United States is no exception, and maintains a “most favored” status with many nations around the world. When a nation gains “most favored” status, this enables its citizens to bypass the normal requirement that all entries present a legitimate visa. This process is called visa waiver, and it directly relates to the “most favored” status program. Jan Ting (2005), author of Immigration and National Security, states that, “In order for a country to be eligible for the program, the refusal rate for nonimmigrant visas for its citizens cannot exceed three percent.” The Enhanced Border Security and Visa Entry Reform Act of 2002 also mandates that all participating nations report the theft of blank passports to American

officials on a “timely basis”. Additionally, participating nations are reviewed every two years to ensure continued compliance with the program regulations (Harvard, 2007, Section 307). The most important relationships to be considered here are those between European nations and the United States, given that potential terrorists (and the 9/11 hijackers) most frequently route through this region on their way to America. Ting explained in her article that the number of nations that had gained “most favored” status as of the date of publication was 27. She cites that most of these nations are European, and further explains the visa waiver process.

Congress had previously required all entrants into the United States to present both a valid passport and a legitimate visa. Individuals crossing the borders from Mexico or Canada needed only to present a special border-crossing card. The process of applying for a visa enabled American officials to thoroughly examine the passport and scrutinize the applicant. Therefore, any individual deemed to be a security threat could be denied entry well in advance (Ting, 2005).

But following new legislation in 1986, the United States began to grant visa waivers to citizens traveling from most favored nations. Ting explains, “...citizens of certain favored countries...[could] enter the U.S. for up to 90 days without a visa, and vice versa” (Ting, 2005). This means that a foreigner traveling from Germany to the United States, for example, would only need to supply a passport to Customs officials upon arrival. But this process presents huge security risks for the United States as it attempts to prevent future terrorist attacks.

The visa waiver program represents a risk to American national security. That statement is supported by the fact that there have already been breaches in national

security as a result of the program. Ting cites three examples that involve the visa waiver program, one of which is connected to the September 11th attacks and the other to the 1993 World Trade Center bombing. Ramsi Yusuf, one of the terrorists who participated in the first attack on the World Trade Center in 1993, was actually able to enter the United States without a visa. He was only required to show a passport because he was traveling from Europe. Zacarias Moussaoui was intended to be the 20th hijacker in the September 11th attacks, had he not been arrested beforehand during his training exercises. Moussaoui entered the country simply by waving his French passport. Additionally, Ting points out that, “Richard Reid, the ‘shoe bomber,’ was able to board an airplane headed for the United States without a U.S. visa by showing his British passport” (Ting, 2005). The fact that there is no visa application process in the visa waiver program means that American officials lack the opportunity to carefully screen those entering the United States. Consequently, the three previous examples were allowed to occur (Ting, 2005).

Ting informs the reader that the visa waiver program does have its supporters. Records from House Judiciary Committee hearings in 2002 show, according to Ting, that experts pledged their support for the program and did not believe it posed a risk to national security. In fact, Ting states that the testimonials relied on the argument that the number of terrorists entering the country through the visa waiver program compared to the numbers of average law-abiding citizens was so small that there was no need to end the program. Additionally, both American and international tourism and airline companies lobbied for the program because it facilitates increased travel and brings a corresponding rise in revenues. The US State Department provided additional praise for

the visa waiver program, citing a lightened workload for employees needing to process the visa applications (Ting, 2005).

Some steps are being taken to improve security.

The US government has taken steps to reinforce the visa waiver program and shore up any security risks that the program poses to national security. These steps are best represented by the passage of the Enhanced Border Security and Visa Reform Act of 2002, which will be presented and discussed later in this paper.

A final component of the American visa programs that demonstrates a clear national security risk is the inability of American officials to enforce the time deadlines associated with visa stays in the country. The efforts undertaken by immigration officials to enforce visa regulations have largely fallen short, and this has allowed an undetermined number of foreigners to remain in the country past their allocated time. Without the ability to enforce regulations, and thereby control who is able to remain in the country (or worse, without the ability to know the activities of that foreigner), the US government leaves open a door that has the potential to unravel their entire efforts to secure the visa programs. “Current efforts to more carefully scrutinize visa applications from Middle Eastern countries are likely to be far less effective if immigration laws continue to remain largely unenforced...” (Camarota, 2002). This fact is further supported by again framing this issue in the context of past events, particularly as it pertains to the original example – the September 11th, 2001 attacks. As Mike Madden (2006) with the Arizona Republic indicates, “At least four of the 9/11 hijackers had visas that had expired at the time of the attacks.” If the US government had possessed the tools necessary to enforce its visa regulations, many of the 9/11 hijackers would have been

deported prior to the attacks. The effects of the deportation on the attacks will never be known, however it is entirely conceivable that such action would have thwarted the attacks altogether.

There are fundamental problems with visa enforcement.

The Associated Press provides additional support to the assertion that US immigration officials are largely impotent at enforcing visa regulations. In an article titled “Report finds flaws in tracking of deportees,” the AP reports that, “Teams assigned to make sure foreigners ordered out of the USA actually leave are grappling with a backlog of more than 600,000 cases and can’t accurately account for the fugitives’ whereabouts...” (Associated Press, 2002). The information provided in the article comes from an original report issued by the Department of Homeland Security. The Associated Press indicated that officials with the Department of Homeland Security cited “...insufficient detention capacity, limitations of an immigration database, and inadequate working space” as the main reasons for the ineffectiveness of the teams (Associated Press, 2002). Lack of funding cannot be used as a reason for the failures, however, given that the teams were allocated \$204 million since 2003. The report indicates that the number of unresolved cases has actually increased steadily “each fiscal year” since the program’s inception in 2002 (Associated Press, 2002).

President Bush himself acknowledges that the United States has been unable to enforce visa time limits. In his report Securing the Homeland, Strengthening the Nation, President Bush states that pre-2003, “...the country [had] no system in place for monitoring when a foreign visitor has overstayed his or her visa” (Bush, 2002, p. 20).

The numbers and statistics that have been calculated by the Census Bureau speak for themselves on this issue. In his article titled “Census Bureau: Over 100,000 Illegal Aliens from the Middle East,” Steven Camarota (2002) reports that, “...the Census Bureau estimated that perhaps 115,000 people from Middle Eastern countries live in the United States illegally” (Camarota, 2002). Camarota indicates that the Census Bureau believes these numbers probably include individuals who have since received legal status in the country, as well as about 24,000 individuals who entered illegally from Israel. But conversely, these numbers do not take into account possible illegal entries from Pakistan (estimated at more than 40,000) and North African countries like Egypt and Algeria (where previous terrorists have originated). The implications for national security in these numbers are revealing. Camarota and the Center For Immigration Studies believe that since “...tens of thousands of people from that region [the Middle East] and millions more from the rest of the world can settle in the United States illegally means that terrorists who wish to do so face few obstacles. We can’t protect ourselves from terrorism without dealing with illegal immigration” (Camarota, 2002).

There have been some successful instances where American immigration authorities have been able to locate visa regulation violators. For example, in December of 2001, shortly after the September 11th attacks, authorities conducted a raid throughout the San Diego region in their effort to locate violators. The Los Angeles Times reported that the raids were intended to locate individuals who originally entered the country with student visas and who may have overstayed those permits. “The students sought Wednesday were from eight countries deemed by the U.S. government to have terrorist links. They are Iran, Sudan, Syria, Pakistan, Libya, Saudi Arabia, Afghanistan, and

Yemen” (Los Angeles Times, 2001). The raids did lead to a total of ten arrests. The article also reported that, “Immigration officials said loopholes in the current system [2001] mean that they do not know how many foreigners remain after their student visas expire, or whether a particular foreign student registered at the sponsoring school” (Los Angeles Times, 2001). In spite of some successes, further efforts to secure the student visa programs are needed.

Legislative efforts

There are two key pieces of legislation that highlight US government efforts to further secure the visa programs following the September 11th attacks. The first is the Border Security and Visa Entry Reform Act of 2002. The Center for Immigration Studies summarizes the most important parts of the legislation, which include a requirement that the Immigration and Naturalization Service fully integrate its agency databases to make it easier/faster to access all information about a particular illegal immigrant. The legislation also mandates that any information concerning illegal immigrants known to federal law enforcement and intelligence agencies must be shared with the Immigration and Naturalization Service and the State Department. Finally, the Center summarizes the last most important point concerning the legislation. The legislation establishes, “A requirement that all travel and entry documents, including visas, issued to aliens by the United States be machine-readable and tamper-resistant and include a standard biometric identifier” (Center for Immigration Studies, 2002). A biometric identifier is any one mechanism that matches genetic information to an individual – such as retina scans and fingerprints.

The other key piece of legislation that demonstrates an interest in securing the visa programs by government officials is the Student and Exchange Visitor Information System, otherwise known as SEVIS. This system began operations in 2003, and is the “web-based technology” that is used by Immigration and Customs Enforcement “...to track and monitor schools and programs, students, exchange visitors and their dependents throughout the duration of approved participation within the U.S. education system” (Immigration and Customs Enforcement, 2007). SEVIS is used within the larger program called the Student and Exchange Visitor Program (SEVP), which attempts to prevent fraudulent entry into the United States under the guise of academic objectives (Immigration and Customs Enforcement, 2007).

Another crucial component in the investigation concerning the link between American immigration policies and terrorism is border security. The Center for Arms Control and Non-Proliferation defines border security in this manner:

Border security involves all activities that aim to prevent the entry of persons or materials that pose a potential danger to the United States. This requires monitoring of the United States’ 328 ports of entry along the 7,500 miles of land border that the United States shares with Canada and Mexico, as well as the 95,000 miles of coastline. (2003).

The need for security along the borders, as well as the need to secure the activities that utilize America’s borders, is undeniably imperative. Ting states that,

Border Patrol apprehension figures show that among the OTMs [‘Other Than Mexicans’ – essentially all illegal migrants who are

not Mexican or South American in origin] apprehended in 2004 and 2005 were hundreds of persons from 35 ‘special interest’ countries, almost all of which are Muslim. They include Afghanistan, Egypt, Iran, Iraq, Lebanon, Saudi Arabia, Somalia, Sudan, Syria, Yemen, [and most especially] Pakistan.” (2005).

All of these nations are believed to have connections to terrorist activities, and the fact that there are citizens from these nations crossing American borders illegally demonstrates the importance of effective border security.

Other governmental branches take steps.

President George W. Bush’s report provides further key statistics about US borders. According to the report, the United States enjoys a combined economic zone along its borders of 3.4 million square miles. More than 500 million people, 330 million of whom are non-citizens, are granted entry into the United States each year. Additionally, the report indicates that 11.2 million trucks and 2.2 million rail cars are allowed to enter American territory each year, and 7,500 foreign ships are granted access to US ports (Bush, 2002). Given the immense amount of movement that occurs along America’s borders each year, one would question what steps the US government has taken in the effort to ensure effective border security.

Steps to implement new and more secure border measures began to be pursued in the aftermath of the September 11th, 2001 attacks. The Bush Homeland Security report states that the United States signed the “Smart Border Declaration” with Canadian officials on December 12, 2001. A similar agreement was negotiated with Mexico in the spring of 2002. Both efforts related to a mutual agreement between the three countries

that "...our current and future prosperity and security depends on a border that operates efficiently and effectively under all circumstances" (Bush, 2002, p. 17).

Efforts to increase border security have also been visible in the amount of funding allocated to accomplish the task. In the President's 2003 budget, a total of \$11 billion was appropriated for border security. That figure indicates a \$2.2 billion increase over the previous year, and significantly added more funding to key border security agencies. For example, the US Customs Service received a \$619 million increase in its funding, which allowed the agency to hire more agents and invest in new technologies. The Immigration and Naturalization Service, the predecessor to today's Immigration and Customs Enforcement, witnessed its budget increase by \$1.2 billion. That appropriation was critical, because it allowed the agency to hire more agents and "...implement a new entry-exit system to track the arrival and departure of non-U.S. citizens" (Bush, 2002, p. 17). Additionally, the Coast Guard's budget increased by \$282 million to better coordinate coastal and port security. In total, programs to secure the borders were allocated 28 percent of the budget for the Department of Homeland Security in 2003, by far the largest apportionment. (Bush, 2002, p. 17)

The Center for Arms Control and Non-Proliferation outlines specific initiatives that have been pursued by the American government to secure the nation's borders. The first to be described is Operation Noble Eagle, which encompasses all military operations that have occurred as a response to the September 11th attacks. Noble Eagle relates to border security in that the Coast Guard plays a large role in the security process. The Guard engages in the Port and Waterways Security and Alien Migrant Interdiction Operations.

The second initiative described that pertains to border security is the Customs-Trade Partnership Against Terrorism. This Partnership seeks to augment the working relationship between Customs officials and international companies that ship goods into/out of the United States via the borders. The companies attempt to increase the security and integrity of their package processes, and Customs “expedites their stay at border crossings” (Center for Arms Control and Non-Proliferation, 2003). The Partnership opened to international companies on July 9, 2002.

The final initiative described by the Center is the Container Security Initiative. The program is designed to safeguard all containers entering the United States against illegal tampering. The Center explains that there are “...four core elements: identifying high-risk containers, pre-screening containers destined for the US before they leave their port of origin, use technology to screen high-risk containers, and develop ‘smart and secure’ containers” (Center for Arms Control and Non-Proliferation, 2003).

The final key legislation concerning border security that was enacted following the September 11th attacks to be discussed here is the Border Security and Terrorism Prevention Act of 2005. Introduced by then-Chair of the House Homeland Security Committee Peter King of New York, and co-sponsored by two Representatives from California, the legislation addresses a wide variety of border security concerns. Its primary objective, however, is summarized within the legislation itself – “To establish operational control over the international land and maritime borders of the United States, and for other purposes” (TheOrator.com, 2005). Key components of the legislation include gaining operational control on the border, developing a national strategy for border security, and creating smart policies concerning border patrol agents and port of

entry personnel. Concerning the process of gaining operational control of the borders, the legislation provides for the use of “systematic surveillance of the international land and maritime borders...through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras” (TheOrator.com, 2005). Additionally, the legislation requires that the Secretary of Homeland Security submit a national strategy for border security that includes “preventing the entry of terrorists, other unlawful aliens, and instruments of terrorism...” (TheOrator.com, 2005).

The American people have responded to the efforts undertaken by the federal government to better secure the immigration policies in different ways. First, most Americans are strongly in favor of tough and effective border security practices. As Peter Andreas (2003) notes in his writing, Redrawing the Line: Borders and Security in the Twenty-first Century, “According to a Zogby public opinion survey a few weeks after the terrorist attacks, 72 percent of those polled said better border controls and stricter enforcement of immigration laws would help to prevent terrorism” (Andreas, 2003). Another response from the public has been one of limited concern over the potential loss of civil liberties. This concern has been noticed, particularly regarding efforts like the introduction of biometric security devices and other tools that identify the specific individual to the government. Citizens may worry that the potential for abuse of the systems outweighs the intended benefits to society. The passage of time and further study will determine the consequences of such public concern.

There is still more to be done.

The horrific attacks on September 11th, 2001 have had an immense impact on American society and government. The events of that day awakened the average citizen to the tangible threat of militant Islam. Unfortunately, upon closer and more thorough examination, one discovers that it was in fact many aspects of existing American immigration policies that facilitated the success of the attacks. This fact is realized when one studies the events leading up to the attacks. Additionally, components of American immigration policy like the most favored nation status, the visa waiver program, the inability to enforce visa time limits, and the movements of Middle Eastern immigrants (particularly from state sponsors of terrorism) across American borders all highlight the fact that terrorists are able to exploit vulnerable policies. Fortunately, the US government has taken key steps to improving security. This has occurred through the passage of such legislation as the Border Security and Visa Entry Reform Act of 2002, and the Border Security and Terrorism Prevention Act of 2005. The fact that U.S. policymakers, legislators, executives, and key agencies have all focused their energy toward addressing the security of immigration policies proves that there is a serious connection between immigration and terrorism in a post-9/11 America. Now the only question that remains is how to further enhance security while still preserving the economic vitality and cherished customs that have enabled America to achieve its unprecedented success.

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2007 PROPOSED IMMIGRATION LEGISLATION

2007 proposed Legislation

By Vanessa De Los Reyes

A new bipartisan deal on immigration, co-sponsored by Senators Ted Kennedy (D-MA) and John McCain (R-AZ) and backed by President Bush, has recently been announced after months of intense negotiation in the U.S. Senate. The main issues addressed in the negotiations included improvements to border security, penalties for immigration fraud, and consequences of the unlawful employment of aliens among other measures that would have to be implemented before any residence or citizenship programs are put in place; possible legal status to millions of illegal immigrants; visas for temporary workers through a guest-worker program; and limits on the number of family members of legal immigrants who can apply for a residence by eliminating existing backlogs. The provisions regarding the guest worker program and increasing border security are among the most controversial, however.

The guest worker program would provide special two-year visas to some 400,000 workers per year. The workers would have to return home for a year after the two-year visa expires and would be allowed to repeat the process twice more. The temporary workers would be allowed to bring their families into the country with 30-days visitor visas and would earn points toward a merit-based green card each year.

Critics of the guest worker program, such as Democratic Senator from North Dakota Byron Dorgan, argue that the program benefits corporations and harms American legal workers because it would further depress wages by providing cheaper labor.

The proposed “merit-based system of immigration” would give preference to more skilled and educated foreign citizens seeking U.S. residence, whose qualifications

would be evaluated using a point system. Liberal critics of this provision argue that the system is unfair because it does not provide the same opportunities to unskilled workers. Conservatives argue that this bill is tantamount to an amnesty for illegal activity and will encourage further violations of the law.

In order to secure the support of the conservatives who opposed previous immigration legislation, the administration agreed to include provisions to increase border patrol and security measures which would have to be implemented before illegal immigrants are allowed to resume their residence in the United States.

According to the Congressional Research Service, the United States Border Patrol apprehends over one million people each year trying to illegally enter the United States, with estimates that 94 percent of such apprehensions occur in the Southwest border. Congress also finds that the net growth in the number of illegal immigrants has been increasing by about 500,000 each year. These statistics contribute to the estimated 11 million unauthorized aliens residing in the United States. There is a growing consensus that border security should be the top priority of any new immigration reform bill.

The immigration legislation under debate (S. 1348), cited as the Comprehensive Immigration Reform Act of 2007 in the Library of Congress, includes many provisions for increasing border security and enforcement. Section 143 of the Border Law Enforcement Relief Act includes an authorization to appropriate up to \$50 million for each fiscal year between 2008 and 2012 to the Border Relief Grant Program. Of the authorized amount, two-thirds will be set aside for eligible enforcement agencies located in the six states with the largest number of illegal alien apprehensions, and one-third will be set aside for areas designated as a High Impact Area.

Funding of these measures, among others, is not addressed clearly in the preliminary version of the bill, however. Other economic concerns regarding this bill include the possibility that the sudden influx of the current 11 million or more illegal aliens into the system via their legalization would swell the size of the welfare state and that the burden would fall upon American citizens and legal permanent residents.

(Note: by the time of publication this initiative had failed. While new measures have been introduced there is no program that seems likely to attract adequate support before the 2008 presidential primaries. The Bush Administration has responded by stepping up enforcement of existing laws, especially those related to hiring illegal immigrants.)



ILLEGAL IMMIGRATION : CONCLUSION

Conclusion

By Steven Neese

This journal is a compilation of research done by students of San Jose State University. All of these articles were written over the course of the spring semester 2007. The articles were written and then edited by an all-student team as a part of a pilot political science journal. However, we did receive diligent guidance from Professor Frances Edwards. We thank her for teaching us the vital writing skills and research techniques that we applied to these articles, and for her inspirational lectures, and dedicate this journal to her. After she briefly introduced some of the many issues surrounding illegal immigration, each student chose a specific issue on the subject to thoroughly research. This journal has been a product of what we have learned in the class room and then applied to research conducted on our own time. It is our hope that after reading these articles, the reader will have new or different perspectives on the controversial immigration issues being debated today.

After completing our articles, we shared our findings with one another, and as a result, became better educated ourselves on a subject that may well be the most important and complicated domestic social issue of our generation. We believe our findings should be taken into consideration in making comprehensive changes to immigration law and policies in the United States.

Although discontent is common over America's immigration policies and laws, there are not many professional writers, politicians, or special interest organizations that agree on a course of action to take in addressing their many shortcomings. However, there are several observations that we, the concerned students of San Jose State University, would like to make based on our research. The first observation is that maintaining the status quo is not an option. Our current system of immigration and naturalization has failed because of its numerous contradictions and inability to resolve the issue to anyone's satisfaction. The second is that not enough research has been done

to decipher what is needed for effective immigration reform. The third is to recognize that there are complex historical, social, economic, national security, and humanitarian issues that must influence our future policies. We believe that a comprehensive immigration policy can be developed that benefits all parties concerned with an aim toward the greater good of the United States, as well as of the immigrants, their families, and their countries of origin, and that taking our recommendations into consideration when formulating new immigration policies will further this goal.